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108TH CONGRESS
1ST SESSION

S. 1356

[Report No. 108–81]

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 26, 2003

Mr. SPECTER, from the Committee on Appropriations, reported the following original bill; which was read twice and placed on the calendar

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the following sums are appropriated, out of any
4 money in the Treasury not otherwise appropriated, for the
5 Departments of Labor, Health and Human Services, and

1 Education, and related agencies for the fiscal year ending
 2 September 30, 2004, and for other purposes, namely:

3 TITLE I—DEPARTMENT OF LABOR

4 EMPLOYMENT AND TRAINING ADMINISTRATION

5 TRAINING AND EMPLOYMENT SERVICES

6 For necessary expenses of the Workforce Investment
 7 Act of 1998, including the purchase and hire of passenger
 8 motor vehicles, the construction, alteration, and repair of
 9 buildings and other facilities, and the purchase of real
 10 property for training centers as authorized by the Work-
 11 force Investment Act of 1998; \$2,652,588,000 plus reim-
 12 bursements, of which \$1,631,407,000 is available for obli-
 13 gation for the period July 1, 2004 through June 30, 2005;
 14 of which \$1,000,965,000 is available for obligation for the
 15 period April 1, 2004 through June 30, 2005, to carry out
 16 chapter 4 of the Workforce Investment Act of 1998; and
 17 of which \$20,216,000 is available for the period July 1,
 18 2004 through June 30, 2007 for necessary expenses of
 19 construction, rehabilitation, and acquisition of Job Corps
 20 centers: *Provided*, That notwithstanding any other provi-
 21 sion of law, of the funds provided herein under section
 22 137(c) of the Workforce Investment Act of 1998,
 23 \$276,608,000 shall be for activities described in section
 24 132(a)(2)(A) of such Act and \$1,155,152,000 shall be for
 25 activities described in section 132(a)(2)(B) of such Act:

1 *Provided further*, That \$9,039,000 shall be for carrying
2 out section 172 of the Workforce Investment Act of 1998:
3 *Provided further*, That, notwithstanding any other provi-
4 sion of law or related regulation, \$77,330,000 shall be for
5 carrying out section 167 of the Workforce Investment Act
6 of 1998, including \$72,213,000 for formula grants,
7 \$4,610,000 for migrant and seasonal housing, and
8 \$507,000 for other discretionary purposes: *Provided fur-*
9 *ther*, That \$4,609,840 appropriated under this heading in
10 Public Law 108–7 for migrant and seasonal housing
11 under section 167 of the Workforce Investment Act of
12 1998 and available for obligation for the period July 1,
13 2003 through June 30, 2004 is hereby rescinded: *Provided*
14 *further*, That \$4,609,840 is available for obligation for the
15 period July 1, 2003 through June 30, 2004, for farm-
16 worker housing organizations with grants expiring June
17 30, 2003 to carry out migrant and seasonal housing activi-
18 ties, including permanent housing at the option of grant-
19 ees, under section 167 of the Workforce Investment Act
20 of 1998: *Provided further*, That funds provided to carry
21 out section 171(d) of the Workforce Investment Act of
22 1998 may be used for demonstration projects that provide
23 assistance to new entrants in the workforce and incumbent
24 workers: *Provided further*, That no funds from any other

1 appropriation shall be used to provide meal services at or
 2 for Job Corps centers.

3 For necessary expenses of the Workforce Investment
 4 Act of 1998, including the purchase and hire of passenger
 5 motor vehicles, the construction, alteration, and repair of
 6 buildings and other facilities, and the purchase of real
 7 property for training centers as authorized by the Work-
 8 force Investment Act of 1998; \$2,463,000,000 plus reim-
 9 bursements, of which \$2,363,000,000 is available for obli-
 10 gation for the period October 1, 2004 through June 30,
 11 2005, and of which \$100,000,000 is available for the pe-
 12 riod October 1, 2004 through June 30, 2007, for nec-
 13 essary expenses of construction, rehabilitation, and acqui-
 14 sition of Job Corps centers.

15 COMMUNITY SERVICE EMPLOYMENT FOR OLDER

16 AMERICANS

17 To carry out title V of the Older Americans Act of
 18 1965, as amended, \$442,306,000.

19 FEDERAL UNEMPLOYMENT BENEFITS AND ALLOWANCES

20 For payments during the current fiscal year of trade
 21 adjustment benefit payments and allowances under part
 22 I; and for training, allowances for job search and reloca-
 23 tion, and related State administrative expenses under part
 24 II of chapter 2, title II of the Trade Act of 1974 (including
 25 the benefits and services described under sections
 26 123(c)(2) and 151(b) and (c) of the Trade Adjustment

1 Assistance Reform Act of 2002, Public Law 107–210),
 2 \$1,338,200,000, together with such amounts as may be
 3 necessary to be charged to the subsequent appropriation
 4 for payments for any period subsequent to September 15
 5 of the current year.

6 STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT
 7 SERVICE OPERATIONS

8 For authorized administrative expenses,
 9 \$142,520,000, together with not to exceed
 10 \$3,478,032,000 (including not to exceed \$1,228,000
 11 which may be used for amortization payments to States
 12 which had independent retirement plans in their State em-
 13 ployment service agencies prior to 1980), which may be
 14 expended from the Employment Security Administration
 15 Account in the Unemployment Trust Fund including the
 16 cost of administering section 51 of the Internal Revenue
 17 Code of 1986, as amended, section 7(d) of the Wagner-
 18 Peyser Act, as amended, the Trade Act of 1974, as
 19 amended, the Immigration Act of 1990, and the Immigra-
 20 tion and Nationality Act, as amended, and of which the
 21 sums available in the allocation for activities authorized
 22 by title III of the Social Security Act, as amended (42
 23 U.S.C. 502–504), and the sums available in the allocation
 24 for necessary administrative expenses for carrying out 5
 25 U.S.C. 8501–8523, shall be available for obligation by the
 26 States through December 31, 2004, except that funds

1 used for automation acquisitions shall be available for obli-
2 gation by the States through September 30, 2006; of
3 which \$142,520,000, together with not to exceed
4 \$768,257,000 of the amount which may be expended from
5 said trust fund, shall be available for obligation for the
6 period July 1, 2004 through June 30, 2005, to fund ac-
7 tivities under the Act of June 6, 1933, as amended, in-
8 cluding the cost of penalty mail authorized under 39
9 U.S.C. 3202(a)(1)(E) made available to States in lieu of
10 allotments for such purpose: *Provided*, That to the extent
11 that the Average Weekly Insured Unemployment (AWIU)
12 for fiscal year 2004 is projected by the Department of
13 Labor to exceed 3,227,000, an additional \$28,600,000
14 shall be available for obligation for every 100,000 increase
15 in the AWIU level (including a pro rata amount for any
16 increment less than 100,000) from the Employment Secu-
17 rity Administration Account of the Unemployment Trust
18 Fund: *Provided further*, That funds appropriated in this
19 Act which are used to establish a national one-stop career
20 center system, or which are used to support the national
21 activities of the Federal-State unemployment insurance
22 programs, may be obligated in contracts, grants or agree-
23 ments with non-State entities: *Provided further*, That
24 funds appropriated under this Act for activities authorized
25 under the Wagner-Peyser Act, as amended, and title III

6 ADVANCES TO THE UNEMPLOYMENT TRUST FUND AND
7 OTHER FUNDS

18 In addition, for making repayable advances to the
19 Black Lung Disability Trust Fund in the current fiscal
20 year after September 15, 2004, for costs incurred by the
21 Black Lung Disability Trust Fund in the current fiscal
22 year, such sums as may be necessary.

23 PROGRAM ADMINISTRATION

ceed \$63,137,000, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund.

EMPLOYEE BENEFITS SECURITY ADMINISTRATION
SALARIES AND EXPENSES

For necessary expenses for the Employee Benefits Security Administration, \$121,316,000.

PENSION BENEFIT GUARANTY CORPORATION
PENSION BENEFIT GUARANTY CORPORATION FUND

The Pension Benefit Guaranty Corporation is authorized to make such expenditures, including financial assistance authorized by section 104 of Public Law 96-364, within limits of funds and borrowing authority available to such Corporation, and in accord with law, and to make such contracts and commitments without regard to fiscal year limitations as provided by section 104 of the Government Corporation Control Act, as amended (31 U.S.C. 9104), as may be necessary in carrying out the program, including associated administrative expenses, through September 30, 2004 for such Corporation: *Provided*, That none of the funds available to the Corporation for fiscal year 2004 shall be available for obligations for administrative expenses in excess of \$228,772,000: *Provided further*, That obligations in excess of such amount may be incurred after approval by the Office of Management and Budget

1 and the Committees on Appropriations of the House and
2 Senate.

3 EMPLOYMENT STANDARDS ADMINISTRATION

4 SALARIES AND EXPENSES

5 For necessary expenses for the Employment Stand-
6 ards Administration, including reimbursement to State,
7 Federal, and local agencies and their employees for inspec-
8 tion services rendered, \$390,045,000, together with
9 \$2,016,000 which may be expended from the Special Fund
10 in accordance with sections 39(c), 44(d) and 44(j) of the
11 Longshore and Harbor Workers' Compensation Act: *Pro-*
12 *vided*, That \$2,000,000 shall be for the development of
13 an alternative system for the electronic submission of re-
14 ports required to be filed under the Labor-Management
15 Reporting and Disclosure Act of 1959, as amended, and
16 for a computer database of the information for each sub-
17 mission by whatever means, that is indexed and easily
18 searchable by the public via the Internet: *Provided further*,
19 That the Secretary of Labor is authorized to accept, re-
20 tain, and spend, until expended, in the name of the De-
21 partment of Labor, all sums of money ordered to be paid
22 to the Secretary of Labor, in accordance with the terms
23 of the Consent Judgment in Civil Action No. 91-0027 of
24 the United States District Court for the District of the
25 Northern Mariana Islands (May 21, 1992): *Provided fur-*

1 *ther*, That the Secretary of Labor is authorized to estab-
 2 lish and, in accordance with 31 U.S.C. 3302, collect and
 3 deposit in the Treasury fees for processing applications
 4 and issuing certificates under sections 11(d) and 14 of the
 5 Fair Labor Standards Act of 1938, as amended (29
 6 U.S.C. 211(d) and 214) and for processing applications
 7 and issuing registrations under title I of the Migrant and
 8 Seasonal Agricultural Worker Protection Act (29 U.S.C.
 9 1801 et seq.).

10 SPECIAL BENEFITS

11 (INCLUDING TRANSFER OF FUNDS)

12 For the payment of compensation, benefits, and ex-
 13 penses (except administrative expenses) accruing during
 14 the current or any prior fiscal year authorized by title 5,
 15 chapter 81 of the United States Code; continuation of ben-
 16 efits as provided for under the heading “Civilian War Ben-
 17 efits” in the Federal Security Agency Appropriation Act,
 18 1947; the Employees’ Compensation Commission Appro-
 19 priation Act, 1944; sections 4(c) and 5(f) of the War
 20 Claims Act of 1948 (50 U.S.C. App. 2012); and 50 per-
 21 cent of the additional compensation and benefits required
 22 by section 10(h) of the Longshore and Harbor Workers’
 23 Compensation Act, as amended, \$163,000,000, together
 24 with such amounts as may be necessary to be charged to
 25 the subsequent year appropriation for the payment of
 26 compensation and other benefits for any period subse-

1 quent to August 15 of the current year: *Provided*, That
2 amounts appropriated may be used under section 8104 of
3 title 5, United States Code, by the Secretary of Labor to
4 reimburse an employer, who is not the employer at the
5 time of injury, for portions of the salary of a reemployed,
6 disabled beneficiary: *Provided further*, That balances of re-
7 imbursements unobligated on September 30, 2003, shall
8 remain available until expended for the payment of com-
9 pensation, benefits, and expenses: *Provided further*, That
10 in addition there shall be transferred to this appropriation
11 from the Postal Service and from any other corporation
12 or instrumentality required under section 8147(c) of title
13 5, United States Code, to pay an amount for its fair share
14 of the cost of administration, such sums as the Secretary
15 determines to be the cost of administration for employees
16 of such fair share entities through September 30, 2004:
17 *Provided further*, That of those funds transferred to this
18 account from the fair share entities to pay the cost of ad-
19 ministration of the Federal Employees' Compensation Act,
20 \$39,315,000 shall be made available to the Secretary as
21 follows: (1) for enhancement and maintenance of auto-
22 mated data processing systems and telecommunications
23 systems, \$11,618,000; (2) for automated workload proc-
24 essing operations, including document imaging, central-
25 ized mail intake and medical bill processing, \$14,496,000;

1 (3) for periodic roll management and medical review,
 2 \$13,201,000; and (4) the remaining funds shall be paid
 3 into the Treasury as miscellaneous receipts: *Provided fur-*
 4 *ther*, That the Secretary may require that any person fil-
 5 ing a notice of injury or a claim for benefits under chapter
 6 81 of title 5, United States Code, or 33 U.S.C. 901 et
 7 seq., provide as part of such notice and claim, such identi-
 8 fying information (including Social Security account num-
 9 ber) as such regulations may prescribe.

10 SPECIAL BENEFITS FOR DISABLED COAL MINERS

11 For carrying out title IV of the Federal Mine Safety
 12 and Health Act of 1977, as amended by Public Law 107–
 13 275, (the “Act”), \$300,000,000, to remain available until
 14 expended.

15 For making after July 31 of the current fiscal year,
 16 benefit payment to individuals under title IV of the Act,
 17 for costs incurred in the current fiscal year, such amounts
 18 as may be necessary.

19 For making benefit payments under title IV of the
 20 first quarter of fiscal year 2005, \$88,000,000, to remain
 21 available until expended.

22 ADMINISTRATIVE EXPENSES, ENERGY EMPLOYEES

23 OCCUPATIONAL ILLNESS COMPENSATION FUND

24 (INCLUDING TRANSFER OF FUNDS)

25 For necessary expenses to administer the Energy
 26 Employees Occupational Illness Compensation Act,

1 \$55,074,000, to remain available until expended: *Pro-*
 2 *vided*, That the Secretary of Labor is authorized to trans-
 3 fer to any executive agency with authority under the En-
 4 ergy Employees Occupational Illness Compensation Act,
 5 including within the Department of Labor, such sums as
 6 may be necessary in fiscal year 2004 to carry out those
 7 authorities: *Provided further*, That the Secretary may re-
 8 quire that any person filing a claim for benefits under the
 9 Act provide as part of such claim, such identifying infor-
 10 mation (including Social Security account number) as may
 11 be prescribed.

12 BLACK LUNG DISABILITY TRUST FUND

13 (INCLUDING TRANSFER OF FUNDS)

14 Beginning in fiscal year 2004 and thereafter, such
 15 sums as may be necessary from the Black Lung Disability
 16 Trust Fund, to remain available until expended, for pay-
 17 ment of all benefits authorized by section 9501(d)(1), (2),
 18 (4), and (7) of the Internal Revenue Code of 1954, as
 19 amended; and interest on advances, as authorized by sec-
 20 tion 9501(c)(2) of that Act. In addition, the following
 21 amounts shall be available from the Fund for fiscal year
 22 2004 for expenses of operation and administration of the
 23 Black Lung Benefits program, as authorized by section
 24 9501(d)(5): \$32,004,000 for transfer to the Employment
 25 Standards Administration, “Salaries and Expenses”;
 26 \$23,401,000 for transfer to Departmental Management,

1 “Salaries and Expenses”; \$338,000 for transfer to De-
 2 partmental Management, “Office of Inspector General”;
 3 and \$356,000 for payments into miscellaneous receipts for
 4 the expenses of the Department of the Treasury.

5 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
 6 SALARIES AND EXPENSES

7 For necessary expenses for the Occupational Safety
 8 and Health Administration, \$463,324,000, including not
 9 to exceed \$93,263,000 which shall be the maximum
 10 amount available for grants to States under section 23(g)
 11 of the Occupational Safety and Health Act (the “Act”),
 12 which grants shall be no less than 50 percent of the costs
 13 of State occupational safety and health programs required
 14 to be incurred under plans approved by the Secretary
 15 under section 18 of the Act; and, in addition, notwith-
 16 standing 31 U.S.C. 3302, the Occupational Safety and
 17 Health Administration may retain up to \$750,000 per fis-
 18 cal year of training institute course tuition fees, otherwise
 19 authorized by law to be collected, and may utilize such
 20 sums for occupational safety and health training and edu-
 21 cation grants: *Provided*, That, notwithstanding 31 U.S.C.
 22 3302, the Secretary of Labor is authorized, during the fis-
 23 cal year ending September 30, 2004, to collect and retain
 24 fees for services provided to Nationally Recognized Test-
 25 ing Laboratories, and may utilize such sums, in accord-

1 ance with the provisions of 29 U.S.C. 9a, to administer
2 national and international laboratory recognition pro-
3 grams that ensure the safety of equipment and products
4 used by workers in the workplace: *Provided further*, That
5 none of the funds appropriated under this paragraph shall
6 be obligated or expended to prescribe, issue, administer,
7 or enforce any standard, rule, regulation, or order under
8 the Act which is applicable to any person who is engaged
9 in a farming operation which does not maintain a tem-
10 porary labor camp and employs 10 or fewer employees:
11 *Provided further*, That no funds appropriated under this
12 paragraph shall be obligated or expended to administer or
13 enforce any standard, rule, regulation, or order under the
14 Act with respect to any employer of 10 or fewer employees
15 who is included within a category having an occupational
16 injury lost workday case rate, at the most precise Stand-
17 ard Industrial Classification Code for which such data are
18 published, less than the national average rate as such
19 rates are most recently published by the Secretary, acting
20 through the Bureau of Labor Statistics, in accordance
21 with section 24 of that Act (29 U.S.C. 673), except—

22 (1) to provide, as authorized by such Act, con-
23 sultation, technical assistance, educational and train-
24 ing services, and to conduct surveys and studies;

1 (2) to conduct an inspection or investigation in
2 response to an employee complaint, to issue a cita-
3 tion for violations found during such inspection, and
4 to assess a penalty for violations which are not cor-
5 rected within a reasonable abatement period and for
6 any willful violations found;

7 (3) to take any action authorized by such Act
8 with respect to imminent dangers;

9 (4) to take any action authorized by such Act
10 with respect to health hazards;

11 (5) to take any action authorized by such Act
12 with respect to a report of an employment accident
13 which is fatal to one or more employees or which re-
14 sults in hospitalization of two or more employees,
15 and to take any action pursuant to such investiga-
16 tion authorized by such Act; and

17 (6) to take any action authorized by such Act
18 with respect to complaints of discrimination against
19 employees for exercising rights under such Act:

20 *Provided further,* That the foregoing proviso shall not
21 apply to any person who is engaged in a farming operation
22 which does not maintain a temporary labor camp and em-
23 ploys 10 or fewer employees: *Provided further,* That not
24 less than \$3,200,000 shall be used to extend funding for
25 the Institutional Competency Building training grants

1 which commenced in September 2000, for program activi-
2 ties for the period of September 30, 2003 to September
3 30, 2004, provided that a grantee has demonstrated satis-
4 factory performance.

5 MINE SAFETY AND HEALTH ADMINISTRATION

6 SALARIES AND EXPENSES

7 For necessary expenses for the Mine Safety and
8 Health Administration, \$270,711,000, including purchase
9 and bestowal of certificates and trophies in connection
10 with mine rescue and first-aid work, and the hire of pas-
11 senger motor vehicles; including up to \$2,000,000 for
12 mine rescue and recovery activities; in addition, not to ex-
13 ceed \$750,000 may be collected by the National Mine
14 Health and Safety Academy for room, board, tuition, and
15 the sale of training materials, otherwise authorized by law
16 to be collected, to be available for mine safety and health
17 education and training activities, notwithstanding 31
18 U.S.C. 3302; and, in addition, the Mine Safety and Health
19 Administration may retain up to \$1,000,000 from fees col-
20 lected for the approval and certification of equipment, ma-
21 terials, and explosives for use in mines, and may utilize
22 such sums for such activities; the Secretary is authorized
23 to accept lands, buildings, equipment, and other contribu-
24 tions from public and private sources and to prosecute
25 projects in cooperation with other agencies, Federal,

1 State, or private; the Mine Safety and Health Administra-
 2 tion is authorized to promote health and safety education
 3 and training in the mining community through cooperative
 4 programs with States, industry, and safety associations;
 5 and any funds available to the department may be used,
 6 with the approval of the Secretary, to provide for the costs
 7 of mine rescue and survival operations in the event of a
 8 major disaster.

9 BUREAU OF LABOR STATISTICS

10 SALARIES AND EXPENSES

11 For necessary expenses for the Bureau of Labor Sta-
 12 tistics, including advances or reimbursements to State,
 13 Federal, and local agencies and their employees for serv-
 14 ices rendered, \$440,113,000, together with not to exceed
 15 \$75,110,000, which may be expended from the Employ-
 16 ment Security Administration Account in the Unemploy-
 17 ment Trust Fund.

18 OFFICE OF DISABILITY EMPLOYMENT POLICY

19 SALARIES AND EXPENSES

20 For necessary expenses for the Office of Disability
 21 Employment Policy to provide leadership, develop policy
 22 and initiatives, and award grants furthering the objective
 23 of eliminating barriers to the training and employment of
 24 people with disabilities, \$47,333,000.

1 DEPARTMENTAL MANAGEMENT

2 SALARIES AND EXPENSES

3 For necessary expenses for Departmental Manage-
4 ment, including the hire of three sedans, and including
5 the management or operation, through contracts, grants
6 or other arrangements of Departmental activities con-
7 ducted by or through the Bureau of International Labor
8 Affairs, including bilateral and multilateral technical as-
9 sistance and other international labor activities, and
10 \$48,565,000, for the acquisition of Departmental informa-
11 tion technology, architecture, infrastructure, equipment,
12 software and related needs which will be allocated by the
13 Department's Chief Information Officer in accordance
14 with the Department's capital investment management
15 process to assure a sound investment strategy;
16 \$351,295,000; together with not to exceed \$314,000,
17 which may be expended from the Employment Security
18 Administration Account in the Unemployment Trust
19 Fund: *Provided*, That no funds made available by this Act
20 may be used by the Solicitor of Labor to participate in
21 a review in any United States court of appeals of any deci-
22 sion made by the Benefits Review Board under section 21
23 of the Longshore and Harbor Workers' Compensation Act
24 (33 U.S.C. 921) where such participation is precluded by
25 the decision of the United States Supreme Court in Direc-

1 tor, Office of Workers' Compensation Programs v. New-
 2 port News Shipbuilding, 115 S. Ct. 1278 (1995), notwith-
 3 standing any provisions to the contrary contained in Rule
 4 15 of the Federal Rules of Appellate Procedure: *Provided*
 5 *further*, That no funds made available by this Act may
 6 be used by the Secretary of Labor to review a decision
 7 under the Longshore and Harbor Workers' Compensation
 8 Act (33 U.S.C. 901 et seq.) that has been appealed and
 9 that has been pending before the Benefits Review Board
 10 for more than 12 months: *Provided further*, That any such
 11 decision pending a review by the Benefits Review Board
 12 for more than 1 year shall be considered affirmed by the
 13 Benefits Review Board on the 1-year anniversary of the
 14 filing of the appeal, and shall be considered the final order
 15 of the Board for purposes of obtaining a review in the
 16 United States courts of appeals: *Provided further*, That
 17 these provisions shall not be applicable to the review or
 18 appeal of any decision issued under the Black Lung Bene-
 19 fits Act (30 U.S.C. 901 et seq.).

20 VETERANS EMPLOYMENT AND TRAINING

21 Not to exceed \$193,443,000 may be derived from the
 22 Employment Security Administration Account in the Un-
 23 employment Trust Fund to carry out the provisions of 38
 24 U.S.C. 4100–4012, 4211–4215, and 4321–4327, and
 25 Public Law 103–353, and which shall be available for obli-
 26 gation by the States through December 31, 2004, of which

1 \$2,000,000 is for the National Veterans' Employment and
 2 Training Services Institute. To carry out the Homeless
 3 Veterans Reintegration Programs (38 U.S.C. 2021) and
 4 the Veterans Workforce Investment Programs (29 U.S.C.
 5 2913), \$26,550,000, of which \$7,550,000 shall be avail-
 6 able for obligation for the period July 1, 2004 through
 7 June 30, 2005.

8 OFFICE OF INSPECTOR GENERAL

9 For salaries and expenses of the Office of Inspector
 10 General in carrying out the provisions of the Inspector
 11 General Act of 1978, as amended, \$59,291,000, together
 12 with not to exceed \$5,561,000, which may be expended
 13 from the Employment Security Administration Account in
 14 the Unemployment Trust Fund.

15 WORKING CAPITAL FUND

16 For the acquisition of a new core accounting system
 17 for the Department of Labor, including hardware and
 18 software infrastructure and the costs associated with im-
 19 plementation thereof, \$9,700,000.

20 GENERAL PROVISIONS

21 SEC. 101. None of the funds appropriated in this title
 22 for the Job Corps shall be used to pay the compensation
 23 of an individual, either as direct costs or any proration
 24 as an indirect cost, at a rate in excess of Executive Level
 25 II.

(TRANSFER OF FUNDS)

1
2 SEC. 102. Not to exceed 1 percent of any discre-
3 tionary funds (pursuant to the Balanced Budget and
4 Emergency Deficit Control Act of 1985, as amended)
5 which are appropriated for the current fiscal year for the
6 Department of Labor in this Act may be transferred be-
7 tween appropriations, but no such appropriation shall be
8 increased by more than 3 percent by any such transfer:
9 *Provided*, That the Appropriations Committees of both
10 Houses of Congress are notified at least 15 days in ad-
11 vance of any transfer.

12 SEC. 103. In accordance with Executive Order No.
13 13126, none of the funds appropriated or otherwise made
14 available pursuant to this Act shall be obligated or ex-
15 pended for the procurement of goods mined, produced,
16 manufactured, or harvested or services rendered, whole or
17 in part, by forced or indentured child labor in industries
18 and host countries already identified by the United States
19 Department of Labor prior to enactment of this Act.

20 SEC. 104. There is authorized to be appropriated
21 such sums as may be necessary to the Denali Commission
22 through the Department of Labor to conduct job training
23 of the local workforce where Denali Commission projects
24 will be constructed.

18 TITLE II—DEPARTMENT OF HEALTH AND
19 HUMAN SERVICES

21 HEALTH RESOURCES AND SERVICES

S 1356 PCS

1 1820 of the Social Security Act, the Health Care Quality
2 Improvement Act of 1986, as amended, the Native Hawai-
3 ian Health Care Act of 1988, as amended, the Cardiac
4 Arrest Survival Act of 2000, and the Poison Control Cen-
5 ter Enhancement and Awareness Act, \$5,881,322,000, of
6 which \$39,740,000 from general revenues, notwith-
7 standing section 1820(j) of the Social Security Act, shall
8 be available for carrying out the Medicare rural hospital
9 flexibility grants program under section 1820 of such Act:
10 *Provided*, That of the funds made available under this
11 heading, \$250,000 shall be available until expended for
12 facilities renovations at the Gillis W. Long Hansen’s Dis-
13 ease Center: *Provided further*, That in addition to fees au-
14 thorized by section 427(b) of the Health Care Quality Im-
15 provement Act of 1986, fees shall be collected for the full
16 disclosure of information under the Act sufficient to re-
17 cover the full costs of operating the National Practitioner
18 Data Bank, and shall remain available until expended to
19 carry out that Act: *Provided further*, That fees collected
20 for the full disclosure of information under the “Health
21 Care Fraud and Abuse Data Collection Program”, author-
22 ized by section 1128E(d)(2) of the Social Security Act,
23 shall be sufficient to recover the full costs of operating
24 the program, and shall remain available until expended to
25 carry out that Act: *Provided further*, that no more than

1 \$10,000,000 is available for carrying out the provisions
2 of U.S.C. Title 42 Section 233(o) including associated ad-
3 ministrative expenses: *Provided further*, That \$10,000,000
4 is to establish a National Cord Blood Stem Cell Bank Pro-
5 gram: *Provided further*, That no more than \$45,000,000
6 is available for carrying out the provisions of Public Law
7 104–73: *Provided further*, That of the funds made avail-
8 able under this heading, \$283,350,000 shall be for the
9 program under title X of the Public Health Service Act
10 to provide for voluntary family planning projects: *Provided*
11 *further*, That amounts provided to said projects under
12 such title shall not be expended for abortions, that all
13 pregnancy counseling shall be nondirective, and that such
14 amounts shall not be expended for any activity (including
15 the publication or distribution of literature) that in any
16 way tends to promote public support or opposition to any
17 legislative proposal or candidate for public office: *Provided*
18 *further*, That \$739,000,000 shall be for State AIDS Drug
19 Assistance Programs authorized by section 2616 of the
20 Public Health Service Act: *Provided further*, That in addi-
21 tion to amounts provided herein, \$25,000,000 shall be
22 available from amounts available under section 241 of the
23 Public Health Service Act to carry out Parts A, B, C, and
24 D of title XXVI of the Public Health Service Act to fund
25 section 2691 Special Projects of National Significance:

1 *Provided further*, That notwithstanding section 502(a)(1)
2 of the Social Security Act, not to exceed \$116,381,000 is
3 available for carrying out special projects of regional and
4 national significance pursuant to section 501(a)(2) of such
5 Act: *Provided further*, That \$73,044,000 is available for
6 special projects of regional and national significance under
7 section 501(a)(2) of the Social Security Act, which shall
8 not be counted toward compliance with the allocation re-
9 quired in section 502(a)(1) of such Act, and which shall
10 be used only for making competitive grants to provide ab-
11 stinence education (as defined in section 510(b)(2) of such
12 Act) to adolescents and for evaluations (including longitu-
13 dinal evaluations) of activities under the grants and for
14 Federal costs of administering the grants: *Provided fur-*
15 *ther*, That grants under the immediately preceding proviso
16 shall be made only to public and private entities which
17 agree that, with respect to an adolescent to whom the enti-
18 ties provide abstinence education under such grant, the
19 entities will not provide to that adolescent any other edu-
20 cation regarding sexual conduct, except that, in the case
21 of an entity expressly required by law to provide health
22 information or services the adolescent shall not be pre-
23 cluded from seeking health information or services from
24 the entity in a different setting than the setting in which
25 the abstinence education was provided: *Provided further*,

1 That the funds expended for such evaluations may not ex-
 2 ceed 3.5 percent of such amount.

3 HEALTH EDUCATION ASSISTANCE LOANS PROGRAM

4 ACCOUNT

5 Such sums as may be necessary to carry out the pur-
 6 pose of the program, as authorized by title VII of the Pub-
 7 lic Health Service Act, as amended. For administrative ex-
 8 penses to carry out the guaranteed loan program, includ-
 9 ing section 709 of the Public Health Service Act,
 10 \$3,389,000.

11 VACCINE INJURY COMPENSATION PROGRAM TRUST FUND

12 For payments from the Vaccine Injury Compensation
 13 Program Trust Fund, such sums as may be necessary for
 14 claims associated with vaccine-related injury or death with
 15 respect to vaccines administered after September 30,
 16 1988, pursuant to subtitle 2 of title XXI of the Public
 17 Health Service Act, to remain available until expended:
 18 *Provided*, That for necessary administrative expenses, not
 19 to exceed \$2,972,000 shall be available from the Trust
 20 Fund to the Secretary of Health and Human Services.

21 CENTERS FOR DISEASE CONTROL AND PREVENTION

22 DISEASE CONTROL, RESEARCH, AND TRAINING

23 To carry out titles II, III, VII, XI, XV, XVII, XIX,
 24 XXI, and XXVI of the Public Health Service Act, sections
 25 101, 102, 103, 201, 202, 203, 301, and 501 of the Federal
 26 Mine Safety and Health Act of 1977, sections 20, 21, and

1 22 of the Occupational Safety and Health Act of 1970,
2 title IV of the Immigration and Nationality Act, and sec-
3 tion 501 of the Refugee Education Assistance Act of 1980;
4 including purchase and insurance of official motor vehicles
5 in foreign countries; and hire, maintenance, and operation
6 of aircraft, \$4,432,496,000, of which \$250,000,000 shall
7 remain available until expended for equipment, and con-
8 struction and renovation of facilities, and of which
9 \$232,569,000 for international HIV/AIDS shall remain
10 available until September 30, 2005, including up to
11 \$90,000,000, to remain available until expended for the
12 “International Mother and Child HIV Prevention Initia-
13 tive.” In addition, such sums as may be derived from au-
14 thorized user fees, which shall be credited to this account:
15 *Provided*, That in addition to amounts provided herein,
16 \$14,000,000 shall be available from amounts available
17 under section 241 of the Public Health Service Act to
18 carry out the National Immunization Surveys: *Provided*
19 *further*, That in addition to amounts provided herein,
20 \$127,634,000 shall be available from amounts available
21 under section 241 of the Public Health Service Act to
22 carry out the National Center for Health Statistics sur-
23 veys: *Provided further*, That none of the funds made avail-
24 able for injury prevention and control at the Centers for
25 Disease Control and Prevention may be used, in whole or

1 in part, to advocate or promote gun control: *Provided fur-*
2 *ther*, That in addition to amounts provided herein,
3 \$28,600,000 shall be available from amounts available
4 under section 241 of the Public Health Service Act to
5 carry out information systems standards development and
6 architecture and applications-based research used at local
7 public health levels: *Provided further*, That in addition to
8 amounts provided herein, \$41,900,000 shall be available
9 from amounts available under section 241 of the Public
10 Health Service Act to carry out Research Tools and Ap-
11 proaches activities within the National Occupational Re-
12 search Agenda: *Provided further*, That the Director may
13 redirect the total amount made available under authority
14 of Public Law 101–502, section 3, dated November 3,
15 1990, to activities the Director may so designate: *Provided*
16 *further*, That the Congress is to be notified promptly of
17 any such transfer: *Provided further*, That not to exceed
18 \$12,500,000 may be available for making grants under
19 section 1509 of the Public Health Service Act to not more
20 than 15 States: *Provided further*, That without regard to
21 existing statute, funds appropriated may be used to pro-
22 ceed, at the discretion of the Centers for Disease Control
23 and Prevention, with property acquisition, including a
24 long-term ground lease for construction on non-Federal
25 land, to support the construction of a replacement labora-

1 tory in the Fort Collins, Colorado area: *Provided further*,
 2 That notwithstanding any other provision of law, a single
 3 contract or related contracts for development and con-
 4 struction of facilities may be employed which collectively
 5 include the full scope of the project: *Provided further*, That
 6 the solicitation and contract shall contain the clause
 7 “availability of funds” found at 48 CFR 52.232–18.

8 NATIONAL INSTITUTES OF HEALTH

9 NATIONAL CANCER INSTITUTE

10 For carrying out section 301 and title IV of the Pub-
 11 lic Health Service Act with respect to cancer,
 12 \$4,770,519,000.

13 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

14 For carrying out section 301 and title IV of the Pub-
 15 lic Health Service Act with respect to cardiovascular, lung,
 16 and blood diseases, and blood and blood products,
 17 \$2,897,595,000.

18 NATIONAL INSTITUTE OF DENTAL AND CRANIOFACIAL

19 RESEARCH

20 For carrying out section 301 and title IV of the Pub-
 21 lic Health Service Act with respect to dental disease,
 22 \$386,396,000.

1 NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND
 2 KIDNEY DISEASES

3 For carrying out section 301 and title IV of the Pub-
 4 lic Health Service Act with respect to diabetes and diges-
 5 tive and kidney disease, \$1,683,007,000.

6 NATIONAL INSTITUTE OF NEUROLOGICAL DISORDERS
 7 AND STROKE

8 For carrying out section 301 and title IV of the Pub-
 9 lic Health Service Act with respect to neurological dis-
 10 orders and stroke, \$1,510,926,000.

11 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS
 12 DISEASES

13 (INCLUDING TRANSFER OF FUNDS)

14 For carrying out section 301 and title IV of the Pub-
 15 lic Health Service Act with respect to allergy and infec-
 16 tious diseases, \$4,335,255,000: *Provided*, That
 17 \$150,000,000 may be made available to International As-
 18 sistance Programs, “Global Fund to Fight HIV/AIDS,
 19 Malaria, and Tuberculosis”, to remain available until ex-
 20 pended.

21 NATIONAL INSTITUTE OF GENERAL MEDICAL SCIENCES

22 For carrying out section 301 and title IV of the Pub-
 23 lic Health Service Act with respect to general medical
 24 sciences, \$1,917,033,000.

6 NATIONAL EYE INSTITUTE

10 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
11 SCIENCES

15 NATIONAL INSTITUTE ON AGING

19 NATIONAL INSTITUTE OF ARTHRITIS AND
20 MUSCULOSKELETAL AND SKIN DISEASES

S 1356 PCS

1 NATIONAL INSTITUTE ON DEAFNESS AND OTHER
2 COMMUNICATION DISORDERS

3 For carrying out section 301 and title IV of the Pub-
4 lic Health Service Act with respect to deafness and other
5 communication disorders, \$384,577,000.

6 NATIONAL INSTITUTE OF NURSING RESEARCH

7 For carrying out section 301 and title IV of the Pub-
8 lic Health Service Act with respect to nursing research,
9 \$135,579,000.

10 NATIONAL INSTITUTE ON ALCOHOL ABUSE AND
11 ALCOHOLISM

12 For carrying out section 301 and title IV of the Pub-
13 lic Health Service Act with respect to alcohol abuse and
14 alcoholism, \$431,521,000.

15 NATIONAL INSTITUTE ON DRUG ABUSE

16 For carrying out section 301 and title IV of the Pub-
17 lic Health Service Act with respect to drug abuse,
18 \$997,614,000.

19 NATIONAL INSTITUTE OF MENTAL HEALTH

20 For carrying out section 301 and title IV of the Pub-
21 lic Health Service Act with respect to mental health,
22 \$1,391,114,000.

23 NATIONAL HUMAN GENOME RESEARCH INSTITUTE

24 For carrying out section 301 and title IV of the Pub-
25 lic Health Service Act with respect to human genome re-
26 search, \$482,372,000.

6 NATIONAL CENTER FOR RESEARCH RESOURCES

15 NATIONAL CENTER FOR COMPLEMENTARY AND
16 ALTERNATIVE MEDICINE

20 NATIONAL CENTER ON MINORITY HEALTH AND HEALTH
21 DISPARITIES

S 1356 PCS

1 JOHN E. FOGARTY INTERNATIONAL CENTER

2 For carrying out the activities at the John E.
3 Fogarty International Center, \$65,900,000.

4 NATIONAL LIBRARY OF MEDICINE

5 For carrying out section 301 and title IV of the Pub-
6 lic Health Service Act with respect to health information
7 communications, \$311,835,000, of which \$4,000,000 shall
8 be available until expended for improvement of informa-
9 tion systems: *Provided*, That in fiscal year 2004, the Li-
10 brary may enter into personal services contracts for the
11 provision of services in facilities owned, operated, or con-
12 structed under the jurisdiction of the National Institutes
13 of Health: *Provided further*, That in addition to amounts
14 provided herein, \$8,200,000 shall be available from
15 amounts available under section 241 of the Public Health
16 Service Act to carry out National Information Center on
17 Health Services Research and Health Care Technology
18 and related health services.

19 OFFICE OF THE DIRECTOR

20 (INCLUDING TRANSFER OF FUNDS)

21 For carrying out the responsibilities of the Office of
22 the Director, National Institutes of Health, \$323,483,000:
23 *Provided*, That funding shall be available for the purchase
24 of not to exceed 29 passenger motor vehicles for replace-
25 ment only: *Provided further*, That the Director may direct
26 up to 1 percent of the total amount made available in this

1 or any other Act to all National Institutes of Health ap-
 2 propriations to activities the Director may so designate:
 3 *Provided further*, That no such appropriation shall be de-
 4 creased by more than 1 percent by any such transfers and
 5 that the Congress is promptly notified of the transfer: *Pro-*
 6 *vided further*, That the National Institutes of Health is
 7 authorized to collect third party payments for the cost of
 8 clinical services that are incurred in National Institutes
 9 of Health research facilities and that such payments shall
 10 be credited to the National Institutes of Health Manage-
 11 ment Fund: *Provided further*, That all funds credited to
 12 the National Institutes of Health Management Fund shall
 13 remain available for 1 fiscal year after the fiscal year in
 14 which they are deposited: *Provided further*, That up to
 15 \$497,000 shall be available to carry out section 499 of
 16 the Public Health Service Act.

17 BUILDINGS AND FACILITIES

18 (INCLUDING TRANSFER OF FUNDS)

19 For the study of, construction of, renovation of, and
 20 acquisition of equipment for, facilities of or used by the
 21 National Institutes of Health, including the acquisition of
 22 real property, \$89,500,000, to remain available until ex-
 23 pended: *Provided*, That notwithstanding any other provi-
 24 sion of law, single contracts or related contracts, which
 25 collectively include the full scope of the project, may be
 26 employed for the development and construction of the first

1 and second phases of the John Edward Porter Neuro-
 2 science Research Center: *Provided further*, That the solici-
 3 tations and contracts shall contain the clause “availability
 4 of funds” found at 48 CFR 52.232–18.

5 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES
 6 ADMINISTRATION

7 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

8 For carrying out titles V and XIX of the Public
 9 Health Service Act with respect to substance abuse and
 10 mental health services, the Protection and Advocacy for
 11 Mentally Ill Individuals Act of 1986, and section 301 of
 12 the Public Health Service Act with respect to program
 13 management, \$3,157,540,000: *Provided*, That in addition
 14 to amounts provided herein, \$79,200,000 shall be avail-
 15 able from amounts available under section 241 of the Pub-
 16 lic Health Service Act to carry out subpart II of title XIX
 17 of the Public Health Service Act to fund section 1935(b)
 18 technical assistance, national data, data collection and
 19 evaluation activities, and further that the total available
 20 under this Act for section 1935(b) activities shall not ex-
 21 ceed 5 percent of the amounts appropriated for subpart
 22 II of title XIX: *Provided further*, That in addition to the
 23 amounts provided herein, \$21,850,000 shall be available
 24 from amounts available under Section 241 of the Public
 25 Health Service Act to carry out subpart I of Part B of

1 title XIX of the Public Health Service Act to fund section
 2 1920(b) technical assistance, data collection and program
 3 evaluation activities, and further that the total available
 4 under this Act for section 1920(b) activities shall not ex-
 5 ceed 5 percent of the amounts appropriated for subpart
 6 I of Part B of Title XIX: *Provided further*, That in addi-
 7 tion to amounts provided herein, \$16,000,000 shall be
 8 made available from amounts available under section 241
 9 of the Public Health Service Act to carry out national sur-
 10 veys on drug abuse.

11 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

12 HEALTHCARE RESEARCH AND QUALITY

13 For carrying out titles III and IX of the Public
 14 Health Service Act, and part A of title XI of the Social
 15 Security Act, amounts received from Freedom of Informa-
 16 tion Act fees, reimbursable and interagency agreements,
 17 and the sale of data shall be credited to this appropriation
 18 and shall remain available until expended: *Provided*, That
 19 the amount made available pursuant to section 927(c) of
 20 the Public Health Service Act shall not exceed
 21 \$303,695,000.

1 CENTERS FOR MEDICARE AND MEDICAID SERVICES

2 GRANTS TO STATES FOR MEDICAID

3 For carrying out, except as otherwise provided, titles
4 XI and XIX of the Social Security Act, \$124,892,197,000,
5 to remain available until expended.

6 For making, after May 31, 2004, payments to States
7 under title XIX of the Social Security Act for the last
8 quarter of fiscal year 2004 for unanticipated costs, in-
9 curred for the current fiscal year, such sums as may be
10 necessary.

11 For making payments to States or in the case of sec-
12 tion 1928 on behalf of States under title XIX of the Social
13 Security Act for the first quarter of fiscal year 2005,
14 \$58,416,275,000, to remain available until expended.

15 Payment under title XIX may be made for any quar-
16 ter with respect to a State plan or plan amendment in
17 effect during such quarter, if submitted in or prior to such
18 quarter and approved in that or any subsequent quarter.

19 PAYMENTS TO HEALTH CARE TRUST FUNDS

20 For payment to the Federal Hospital Insurance and
21 the Federal Supplementary Medical Insurance Trust
22 Funds, as provided under section 1844 of the Social Secu-
23 rity Act, sections 103(c) and 111(d) of the Social Security
24 Amendments of 1965, section 278(d) of Public Law 97-
25 248, and for administrative expenses incurred pursuant

1 to section 201(g) of the Social Security Act,
2 \$95,084,100,000.

3 PROGRAM MANAGEMENT

4 For carrying out, except as otherwise provided, titles
5 XI, XVIII, XIX, and XXI of the Social Security Act, titles
6 XIII and XXVII of the Public Health Service Act, and
7 the Clinical Laboratory Improvement Amendments of
8 1988, not to exceed \$2,707,603,000, to be transferred
9 from the Federal Hospital Insurance and the Federal Sup-
10 plementary Medical Insurance Trust Funds, as authorized
11 by section 201(g) of the Social Security Act; together with
12 all funds collected in accordance with section 353 of the
13 Public Health Service Act and section 1857(e)(2) of the
14 Social Security Act, and such sums as may be collected
15 from authorized user fees and the sale of data, which shall
16 remain available until expended, and together with admin-
17 istrative fees collected relative to Medicare overpayment
18 recovery activities, which shall remain available until ex-
19 pended: *Provided*, That all funds derived in accordance
20 with 31 U.S.C. 9701 from organizations established under
21 title XIII of the Public Health Service Act shall be cred-
22 ited to and available for carrying out the purposes of this
23 appropriation: *Provided further*, That \$30,000,000, to re-
24 main available until September 30, 2005, is for contract
25 costs for CMS's Systems Revitalization Plan: *Provided*
26 *further*, That \$56,991,000, to remain available until Sep-

tember 30, 2005, is for contract costs for the Healthcare Integrated General Ledger Accounting System: *Provided further*, That the Secretary of Health and Human Services is directed to collect fees in fiscal year 2004 from Medicare + Choice organizations pursuant to section 1857(e)(2) of the Social Security Act and from eligible organizations with risk-sharing contracts under section 1876 of that Act pursuant to section 1876(k)(4)(D) of that Act.

HEALTH MAINTENANCE ORGANIZATION LOAN AND LOAN
GUARANTEE FUND

For carrying out subsections (d) and (e) of section 1308 of the Public Health Service Act, any amounts received by the Secretary in connection with loans and loan guarantees under title XIII of the Public Health Service Act, to be available without fiscal year limitation for the payment of outstanding obligations. During fiscal year 2004, no commitments for direct loans or loan guarantees shall be made.

ADMINISTRATION FOR CHILDREN AND FAMILIES
PAYMENTS TO STATES FOR CHILD SUPPORT
ENFORCEMENT AND FAMILY SUPPORT PROGRAMS

For making payments to States or other non-Federal entities under titles I, IV–D, X, XI, XIV, and XVI of the Social Security Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), \$3,292,270,000, to remain available until

1 expended; and for such purposes for the first quarter of
 2 fiscal year 2005, \$1,200,000,000, to remain available until
 3 expended.

4 For making payments to each State for carrying out
 5 the program of Aid to Families with Dependent Children
 6 under title IV–A of the Social Security Act before the ef-
 7 fective date of the program of Temporary Assistance for
 8 Needy Families (TANF) with respect to such State, such
 9 sums as may be necessary: *Provided*, That the sum of the
 10 amounts available to a State with respect to expenditures
 11 under such title IV–A in fiscal year 1997 under this ap-
 12 propriation and under such title IV–A as amended by the
 13 Personal Responsibility and Work Opportunity Reconcili-
 14 ation Act of 1996 shall not exceed the limitations under
 15 section 116(b) of such Act.

16 For making, after May 31 of the current fiscal year,
 17 payments to States or other non-Federal entities under
 18 titles I, IV–D, X, XI, XIV, and XVI of the Social Security
 19 Act and the Act of July 5, 1960 (24 U.S.C. ch. 9), for
 20 the last 3 months of the current fiscal year for unantici-
 21 pated costs, incurred for the current fiscal year, such sums
 22 as may be necessary.

23 LOW INCOME HOME ENERGY ASSISTANCE

24 For making payments under title XXVI of the Omni-
 25 bus Budget Reconciliation Act of 1981, \$2,000,000,000.

REFUGEE AND ENTRANT ASSISTANCE

For making payments for refugee and entrant assistance activities authorized by title IV of the Immigration and Nationality Act and section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-422), \$383,894,000: *Provided*, That funds appropriated pursuant to section 414(a) of the Immigration and Nationality Act for fiscal year 2004 shall be available for the costs of assistance provided and other activities through September 30, 2006: *Provided further*, That up to \$9,935,000 is available to carry out the Trafficking Victims Protection Act of 2000.

For carrying out section 5 of the Torture Victims Relief Act of 1998 (Public Law 105-320), \$9,935,000. For carrying out section 462 of the Homeland Security Act of 2002, (Public Law 107-296), \$34,227,000.

PAYMENTS TO STATES FOR THE CHILD CARE AND
DEVELOPMENT BLOCK GRANT

For carrying out sections 658A through 658R of the Omnibus Budget Reconciliation Act of 1981 (The Child Care and Development Block Grant Act of 1990), \$2,099,729,000 shall be used to supplement, not supplant State general revenue funds for child care assistance for low-income families: *Provided*, That \$19,120,000 shall be available for child care resource and referral and school-aged child care activities, of which \$1,000,000 shall be for

1 the Child Care Aware toll free hotline: *Provided further*,
 2 That, in addition to the amounts required to be reserved
 3 by the States under section 658G, \$272,672,000 shall be
 4 reserved by the States for activities authorized under sec-
 5 tion 658G, of which \$100,000,000 shall be for activities
 6 that improve the quality of infant and toddler care: *Pro-*
 7 *vided further*, That \$10,000,000 shall be for use by the
 8 Secretary for child care research, demonstration, and eval-
 9 uation activities.

10 SOCIAL SERVICES BLOCK GRANT

11 For making grants to States pursuant to section
 12 2002 of the Social Security Act, \$1,700,000,000.

13 CHILDREN AND FAMILIES SERVICES PROGRAMS

14 For carrying out, except as otherwise provided, the
 15 Runaway and Homeless Youth Act, the Developmental
 16 Disabilities Assistance and Bill of Rights Act, the Head
 17 Start Act, the Child Abuse Prevention and Treatment Act,
 18 sections 310 and 316 of the Family Violence Prevention
 19 and Services Act, as amended, the Native American Pro-
 20 grams Act of 1974, title II of Public Law 95–266 (adop-
 21 tion opportunities), the Adoption and Safe Families Act
 22 of 1997 (Public Law 105–89), sections 1201 and 1211
 23 of the Children’s Health Act of 2000, the Abandoned In-
 24 fants Assistance Act of 1988, sections 261 and 291 of the
 25 Help America Vote Act of 2002, the Early Learning Op-
 26 portunities Act, part B(1) of title IV and sections 413,

1 429A, 1110, and 1115 of the Social Security Act, and sec-
 2 tions 40155, 40211, and 40241 of Public Law 103–322;
 3 for making payments under the Community Services
 4 Block Grant Act, sections 439(h), 473A, and 477(i) of the
 5 Social Security Act, and title IV of Public Law 105–285,
 6 and for necessary administrative expenses to carry out
 7 said Acts and titles I, IV, X, XI, XIV, XVI, and XX of
 8 the Social Security Act, the Act of July 5, 1960 (24
 9 U.S.C. ch. 9), the Omnibus Budget Reconciliation Act of
 10 1981, title IV of the Immigration and Nationality Act, sec-
 11 tion 501 of the Refugee Education Assistance Act of 1980,
 12 section 5 of the Torture Victims Relief Act of 1998 (Public
 13 Law 105–320), sections 40155, 40211, and 40241 of Pub-
 14 lic Law 103–322, and section 126 and titles IV and V
 15 of Public Law 100–485, \$8,780,002,000, of which
 16 \$42,720,000, to remain available until September 30,
 17 2005, shall be for grants to States for adoption incentive
 18 payments, as authorized by section 473A of title IV of the
 19 Social Security Act (42 U.S.C. 670–679) and may be
 20 made for adoptions completed before September 30, 2004;
 21 of which \$6,815,570,000 shall be for making payments
 22 under the Head Start Act, of which \$1,400,000,000 shall
 23 become available October 1, 2004 and remain available
 24 through September 30, 2005; and of which \$717,620,000
 25 shall be for making payments under the Community Serv-

1 ices Block Grant Act: *Provided*, That not less than
 2 \$7,203,000 shall be for section 680(3)(B) of the Commu-
 3 nity Services Block Grant Act, as amended: *Provided fur-*
 4 *ther*, That in addition to amounts provided herein,
 5 \$6,000,000 shall be available from amounts available
 6 under section 241 of the Public Health Service Act to
 7 carry out the provisions of section 1110 of the Social Secu-
 8 rity Act: *Provided further*, That to the extent Community
 9 Services Block Grant funds are distributed as grant funds
 10 by a State to an eligible entity as provided under the Act,
 11 and have not been expended by such entity, they shall re-
 12 main with such entity for carryover into the next fiscal
 13 year for expenditure by such entity consistent with pro-
 14 gram purposes: *Provided further*, That the Secretary shall
 15 establish procedures regarding the disposition of intan-
 16 gible property which permits grant funds, or intangible as-
 17 sets acquired with funds authorized under section 680 of
 18 the Community Services Block Grant Act, as amended, to
 19 become the sole property of such grantees after a period
 20 of not more than 12 years after the end of the grant for
 21 purposes and uses consistent with the original grant: *Pro-*
 22 *vided further*, That funds appropriated for section
 23 680(a)(2) of the Community Services Block Grant Act,
 24 as amended, shall be available for financing construction
 25 and rehabilitation and loans or investments in private

1 business enterprises owned by community development
 2 corporations: *Provided further*, That \$89,978,000 shall be
 3 for activities authorized by the Runaway and Homeless
 4 Youth Act, notwithstanding the allocation requirements of
 5 section 388(a) of such Act, of which \$40,505,000 is for
 6 the transitional living program: *Provided further*, That
 7 \$34,772,000 is for a compassion capital fund to provide
 8 grants to charitable organizations to emulate model social
 9 service programs and to encourage research on the best
 10 practices of social service organizations: *Provided further*,
 11 That \$15,000,000 shall be for activities authorized by the
 12 Help America Vote Act of 2002, of which \$10,000,000
 13 shall be for payments to States to promote disabled voter
 14 access, and of which \$5,000,000 shall be for payments to
 15 States for disabled voters protection and advocacy sys-
 16 tems.

17 PROMOTING SAFE AND STABLE FAMILIES

18 For carrying out section 436 of the Social Security
 19 Act, \$305,000,000 and for section 437, \$99,350,000.

20 PAYMENTS TO STATES FOR FOSTER CARE AND ADOPTION

21 ASSISTANCE

22 For making payments to States or other non-Federal
 23 entities under title IV–E of the Social Security Act,
 24 \$5,068,300,000.

1 For making payments to States or other non-Federal
 2 entities under title IV–E of the Act, for the first quarter
 3 of fiscal year 2005, \$1,767,700,000.

4 For making, after May 31 of the current fiscal year,
 5 payments to States or other non-Federal entities under
 6 section 474 of title IV–E, for the last 3 months of the
 7 current fiscal year for unanticipated costs, incurred for the
 8 current fiscal year, such sums as may be necessary.

9 ADMINISTRATION ON AGING

10 AGING SERVICES PROGRAMS

11 For carrying out, to the extent not otherwise pro-
 12 vided, the Older Americans Act of 1965, as amended, and
 13 section 398 of the Public Health Service Act,
 14 \$1,360,193,000, of which \$5,500,000 shall be available for
 15 activities regarding medication management, screening,
 16 and education to prevent incorrect medication and adverse
 17 drug reactions; and of which \$2,842,000 shall remain
 18 available until September 30, 2006, for the White House
 19 Conference on Aging.

20 OFFICE OF THE SECRETARY

21 GENERAL DEPARTMENTAL MANAGEMENT

22 For necessary expenses, not otherwise provided, for
 23 general departmental management, including hire of six
 24 sedans, and for carrying out titles III, XVII, and XX of
 25 the Public Health Service Act, and the United States-Mex-

1 ico Border Health Commission Act, \$342,808,000, to-
2 gether with \$5,851,000 to be transferred and expended
3 as authorized by section 201(g)(1) of the Social Security
4 Act from the Hospital Insurance Trust Fund and the Sup-
5 plemental Medical Insurance Trust Fund: *Provided*, That
6 of the funds made available under this heading for car-
7 rying out title XX of the Public Health Service Act,
8 \$11,885,000 shall be for activities specified under section
9 2003(b)(2), of which \$10,157,000 shall be for prevention
10 service demonstration grants under section 510(b)(2) of
11 title V of the Social Security Act, as amended, without
12 application of the limitation of section 2010(c) of said title
13 XX: *Provided further*, That of this amount, \$50,000,000
14 is for minority AIDS prevention and treatment activities;
15 and \$15,000,000 shall be for an Information Technology
16 Security and Innovation Fund for Department-wide activi-
17 ties involving cybersecurity, information technology secu-
18 rity, and related innovation projects, and \$5,000,000 is
19 to assist Afghanistan in the development of maternal and
20 child health clinics, consistent with section 103(a)(4)(H)
21 of the Afghanistan Freedom Support Act of 2002.

22 OFFICE OF INSPECTOR GENERAL

23 For expenses necessary for the Office of Inspector
24 General in carrying out the provisions of the Inspector
25 General Act of 1978, as amended, \$39,497,000: *Provided*,
26 That, of such amount, necessary sums are available for

1 providing protective services to the Secretary and inves-
 2 tigating non-payment of child support cases for which non-
 3 payment is a Federal offense under 18 U.S.C. 228.

4 OFFICE FOR CIVIL RIGHTS

5 For expenses necessary for the Office for Civil
 6 Rights, \$30,936,000, together with not to exceed
 7 \$3,314,000 to be transferred and expended as authorized
 8 by section 201(g)(1) of the Social Security Act from the
 9 Hospital Insurance Trust Fund and the Supplemental
 10 Medical Insurance Trust Fund.

11 POLICY RESEARCH

12 For carrying out, to the extent not otherwise pro-
 13 vided, research studies under section 1110 of the Social
 14 Security Act and title III of the Public Health Service Act,
 15 \$23,499,000, which shall be available from amounts avail-
 16 able under section 241 of the Public Health Service Act
 17 to carry out national health or human services research
 18 and evaluation activities: *Provided*, That the expenditure
 19 of any funds available under section 241 of the Public
 20 Health Service Act are subject to the requirements of sec-
 21 tion 205 of this Act.

22 RETIREMENT PAY AND MEDICAL BENEFITS FOR

23 COMMISSIONED OFFICERS

24 For retirement pay and medical benefits of Public
 25 Health Service Commissioned Officers as authorized by
 26 law, for payments under the Retired Serviceman's Family

1 Protection Plan and Survivor Benefit Plan, for medical
2 care of dependents and retired personnel under the De-
3 pendents' Medical Care Act (10 U.S.C. ch. 55 and 56),
4 and for payments pursuant to section 229(b) of the Social
5 Security Act (42 U.S.C. 429(b)), such amounts as may
6 be required during the current fiscal year. The following
7 are definitions for the medical benefits of the Public
8 Health Service Commissioned Officers that apply to 10
9 U.S.C. chapter 56, section 1116(c). The source of funds
10 for the monthly accrual payments into the Department of
11 Defense Medicare-Eligible Retiree Health Care Fund shall
12 be the Retirement Pay and Medical Benefits for Commis-
13 sioned Officers account. For purposes of this Act, the term
14 "pay of members" shall be construed to be synonymous
15 with retirement payments to United States Public Health
16 Service officers who are retired for age, disability, or
17 length of service; payments to survivors of deceased offi-
18 cers; medical care to active duty and retired members and
19 dependents and beneficiaries; and for payments to the So-
20 cial Security Administration for military service credits;
21 all of which payments are provided for by the Retirement
22 Pay and Medical Benefits for Commissioned Officers ac-
23 count.

1 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY

2 FUND

3 For expenses necessary to support activities related
4 to countering potential biological, disease and chemical
5 threats to civilian populations, \$1,856,040,000: *Provided*,
6 That this amount is distributed as follows: Centers for
7 Disease Control and Prevention, \$1,116,156,000; Office
8 of the Secretary, \$61,820,000; Health Resources and
9 Services Administration, \$578,064,000; and
10 \$100,000,000 shall be available until expended for activi-
11 ties to ensure a year-round influenza vaccine production
12 capacity and the development and implementation of rap-
13 idly expandable production technologies: *Provided further*,
14 That at the discretion of the Secretary, these amounts
15 may be transferred between categories subject to normal
16 reprogramming procedures: *Provided further*, That em-
17 ployees of the Centers for Disease Control and Prevention
18 or the Public Health Service, both civilian and Commis-
19 sioned Officers, detailed to States, municipalities or other
20 organizations under authority of section 214 of the Public
21 Health Service Act for purposes related to homeland secu-
22 rity, shall be treated as non-Federal employees for report-
23 ing purposes only and shall not be included within any
24 personnel ceiling applicable to the Agency, Service, or the

1 Department of Health and Human Services during the pe-
2 riod of detail or assignment.

3 GENERAL PROVISIONS

4 SEC. 201. Funds appropriated in this title shall be
5 available for not to exceed \$50,000 for official reception
6 and representation expenses when specifically approved by
7 the Secretary.

8 SEC. 202. The Secretary shall make available through
9 assignment not more than 60 employees of the Public
10 Health Service to assist in child survival activities and to
11 work in AIDS programs through and with funds provided
12 by the Agency for International Development, the United
13 Nations International Children's Emergency Fund or the
14 World Health Organization.

15 SEC. 203. None of the funds appropriated under this
16 Act may be used to implement section 399F(b) of the Pub-
17 lic Health Service Act or section 1503 of the National In-
18 stitutes of Health Revitalization Act of 1993, Public Law
19 103-43.

20 SEC. 204. None of the funds appropriated in this Act
21 for the National Institutes of Health, the Agency for
22 Healthcare Research and Quality, and the Substance
23 Abuse and Mental Health Services Administration shall
24 be used to pay the salary of an individual, through a grant

1 or other extramural mechanism, at a rate in excess of Ex-
2 ecutive Level I.

3 SEC. 205. None of the funds appropriated in this Act
4 may be expended pursuant to section 241 of the Public
5 Health Service Act, except for funds specifically provided
6 for in this Act, or for other taps and assessments made
7 by any office located in the Department of Health and
8 Human Services, prior to the Secretary's preparation and
9 submission of a report to the Committee on Appropria-
10 tions of the Senate and of the House detailing the planned
11 uses of such funds.

12 SEC. 206. Notwithstanding section 241(a) of the
13 Public Health Service Act, such portion as the Secretary
14 shall determine, but not more than 2.2 percent, of any
15 amounts appropriated for programs authorized under said
16 Act shall be made available for the evaluation (directly,
17 or by grants or contracts) of the implementation and effec-
18 tiveness of such programs.

19 (TRANSFER OF FUNDS)

20 SEC. 207. Not to exceed 1 percent of any discre-
21 tionary funds (pursuant to the Balanced Budget and
22 Emergency Deficit Control Act of 1985, as amended)
23 which are appropriated for the current fiscal year for the
24 Department of Health and Human Services in this or any
25 other Act may be transferred between appropriations, but
26 no such appropriation shall be increased by more than 3

1 percent by any such transfer: *Provided*, That an appro-
2 priation may be increased by up to an additional 2 percent
3 subject to approval by the House and Senate Committees
4 on Appropriations: *Provided further*, That the Appropria-
5 tions Committees of both Houses of Congress are notified
6 at least 15 days in advance of any transfer.

7 SEC. 208. The Director of the National Institutes of
8 Health, jointly with the Director of the Office of AIDS
9 Research, may transfer up to 3 percent among institutes,
10 centers, and divisions from the total amounts identified
11 by these two Directors as funding for research pertaining
12 to the human immunodeficiency virus: *Provided*, That the
13 Congress is promptly notified of the transfer.

14 SEC. 209. Of the amounts made available in this Act
15 for the National Institutes of Health, the amount for re-
16 search related to the human immunodeficiency virus, as
17 jointly determined by the Director of the National Insti-
18 tutes of Health and the Director of the Office of AIDS
19 Research, shall be made available to the “Office of AIDS
20 Research” account. The Director of the Office of AIDS
21 Research shall transfer from such account amounts nec-
22 essary to carry out section 2353(d)(3) of the Public
23 Health Service Act.

24 SEC. 210. None of the funds appropriated in this Act
25 may be made available to any entity under title X of the

1 Public Health Service Act unless the applicant for the
 2 award certifies to the Secretary that it encourages family
 3 participation in the decision of minors to seek family plan-
 4 ning services and that it provides counseling to minors on
 5 how to resist attempts to coerce minors into engaging in
 6 sexual activities.

7 SEC. 211. None of the funds appropriated by this Act
 8 (including funds appropriated to any trust fund) may be
 9 used to carry out the Medicare+Choice program if the
 10 Secretary denies participation in such program to an oth-
 11 erwise eligible entity (including a Provider Sponsored Or-
 12 ganization) because the entity informs the Secretary that
 13 it will not provide, pay for, provide coverage of, or provide
 14 referrals for abortions: *Provided*, That the Secretary shall
 15 make appropriate prospective adjustments to the capita-
 16 tion payment to such an entity (based on an actuarially
 17 sound estimate of the expected costs of providing the serv-
 18 ice to such entity's enrollees): *Provided further*, That noth-
 19 ing in this section shall be construed to change the Medi-
 20 care program's coverage for such services and a
 21 Medicare+Choice organization described in this section
 22 shall be responsible for informing enrollees where to obtain
 23 information about all Medicare covered services.

24 SEC. 212. Notwithstanding any other provision of
 25 law, no provider of services under title X of the Public

1 Health Service Act shall be exempt from any State law
2 requiring notification or the reporting of child abuse, child
3 molestation, sexual abuse, rape, or incest.

4 SEC. 213. The Foreign Operations, Export Finance-
5 ing, and Related Programs Appropriations Act, 1990
6 (Public Law 101–167) is amended—

7 (1) in section 599D (8 U.S.C. 1157 note)—

8 (A) in subsection (b)(3), by striking
9 “1997, 1998, 1999, 2000, 2001, 2002, and
10 2003” and inserting “1997, 1998, 1999, 2000,
11 2001, 2002, 2003, and 2004”; and

12 (B) in subsection (e), by striking “October
13 1, 2003” each place it appears and inserting
14 “October 1, 2004”; and

15 (2) in section 599E (8 U.S.C. 1255 note) in
16 subsection (b)(2), by striking “September 30, 2003”
17 and inserting “September 30, 2004”.

18 SEC. 214. (a) Except as provided by subsection (e)
19 none of the funds appropriated by this Act may be used
20 to withhold substance abuse funding from a State pursu-
21 ant to section 1926 of the Public Health Service Act (42
22 U.S.C. 300x–26) if such State certifies to the Secretary
23 of Health and Human Services by May 1, 2004 that the
24 State will commit additional State funds, in accordance
25 with subsection (b), to ensure compliance with State laws

1 prohibiting the sale of tobacco products to individuals
2 under 18 years of age.

3 (b) The amount of funds to be committed by a State
4 under subsection (a) shall be equal to 1 percent of such
5 State's substance abuse block grant allocation for each
6 percentage point by which the State misses the retailer
7 compliance rate goal established by the Secretary of
8 Health and Human Services under section 1926 of such
9 Act.

10 (c) The State is to maintain State expenditures in
11 fiscal year 2004 for tobacco prevention programs and for
12 compliance activities at a level that is not less than the
13 level of such expenditures maintained by the State for fis-
14 cal year 2003, and adding to that level the additional
15 funds for tobacco compliance activities required under
16 subsection (a). The State is to submit a report to the Sec-
17 retary on all fiscal year 2003 State expenditures and all
18 fiscal year 2004 obligations for tobacco prevention and
19 compliance activities by program activity by July 31,
20 2004.

21 (d) The Secretary shall exercise discretion in enforce-
22 ing the timing of the State obligation of the additional
23 funds required by the certification described in subsection
24 (a) as late as July 31, 2004.

1 (e) None of the funds appropriated by this Act may
2 be used to withhold substance abuse funding pursuant to
3 section 1926 from a territory that receives less than
4 \$1,000,000.

5 SEC. 215. In order for the Centers for Disease Con-
6 trol and Prevention to carry out international health ac-
7 tivities, including HIV/AIDS and other infectious disease,
8 chronic and environmental disease, and other health ac-
9 tivities abroad during fiscal year 2004, the Secretary of
10 Health and Human Services—

11 (1) may exercise authority equivalent to that
12 available to the Secretary of State in section 2(c) of
13 the State Department Basic Authorities Act of 1956
14 (22 U.S.C. 2669(c)). The Secretary of Health and
15 Human Services shall consult with the Secretary of
16 State and relevant Chief of Mission to ensure that
17 the authority provided in this section is exercised in
18 a manner consistent with section 207 of the Foreign
19 Service Act of 1980 (22 U.S.C. 3927) and other ap-
20 plicable statutes administered by the Department of
21 State, and

22 (2) is authorized to provide such funds by ad-
23 vance or reimbursement to the Secretary of State as
24 may be necessary to pay the costs of acquisition,
25 lease, alteration, renovation, and management of fa-

1 cilities outside of the United States for the use of
2 the Department of Health and Human Services. The
3 Department of State shall cooperate fully with the
4 Secretary of Health and Human Services to ensure
5 that the Department of Health and Human Services
6 has secure, safe, functional facilities that comply
7 with applicable regulation governing location, set-
8 back, and other facilities requirements and serve the
9 purposes established by this Act. The Secretary of
10 Health and Human Services is authorized, in con-
11 sultation with the Secretary of State, through grant
12 or cooperative agreement, to make available to pub-
13 lic or nonprofit private institutions or agencies in
14 participating foreign countries, funds to acquire,
15 lease, alter, or renovate facilities in those countries
16 as necessary to conduct programs of assistance for
17 international health activities, including activities re-
18 lating to HIV/AIDS and other infectious diseases,
19 chronic and environmental diseases, and other health
20 activities abroad.

21 SEC. 216. The Division of Federal Occupational
22 Health may utilize personal services contracting to employ
23 professional management/administrative and occupational
24 health professionals.

1 SEC. 217. Notwithstanding section 409B(c) of the
 2 Public Health Service Act regarding a limitation on the
 3 number of such grants, funds appropriated in this Act
 4 may be expended by the Director of the National Insti-
 5 tutes of Health to award Core Center Grants to encourage
 6 the development of innovative multidisciplinary research
 7 and provide training concerning Parkinson’s disease. Each
 8 center funded under such grants shall be designated as
 9 a Morris K. Udall Center for Research on Parkinson’s
 10 Disease.

11 SEC. 218. None of the funds appropriated in this or
 12 any other Act may be used to carry out or administer the
 13 Department of Health and Human Services Human Re-
 14 sources Consolidation plan.

15 This title may be cited as the “Department of Health
 16 and Human Services Appropriations Act, 2004”.

17 TITLE III—DEPARTMENT OF EDUCATION

18 EDUCATION FOR THE DISADVANTAGED

19 For carrying out title I of the Elementary and Sec-
 20 ondary Education Act of 1965 (“ESEA”) and section
 21 418A of the Higher Education Act of 1965,
 22 \$14,103,356,000, of which \$6,582,294,000 shall become
 23 available on July 1, 2004, and shall remain available
 24 through September 30, 2005, and of which
 25 \$7,383,301,000 shall become available on October 1,

1 2004, and shall remain available through September 30,
 2 2005, for academic year 2004–2005: *Provided*, That
 3 \$7,107,282,000 shall be available for basic grants under
 4 section 1124: *Provided further*, That up to \$3,500,000 of
 5 these funds shall be available to the Secretary of Edu-
 6 cation on October 1, 2003, to obtain updated educational-
 7 agency-level census poverty data from the Bureau of the
 8 Census: *Provided further*, That \$1,365,031,000 shall be
 9 available for concentration grants under section 1124A:
 10 *Provided further*, That \$1,670,239,000 shall be available
 11 for targeted grants under section 1125: *Provided further*,
 12 That \$2,207,448,000 shall be available for education fi-
 13 nance incentive grants under section 1125A: *Provided fur-*
 14 *ther*, That, notwithstanding any other provision of law, the
 15 Secretary shall use data described in sections
 16 1124(a)(1)(B) and 1124(c)(1) of the ESEA that are avail-
 17 able on July 1, 2003, to calculate grants for fiscal year
 18 2004 under part A of title I of that Act: *Provided further*,
 19 That from the \$8,842,000 available to carry out part E
 20 of title I, up to \$1,000,000 shall be available to the Sec-
 21 retary of Education to provide technical assistance to
 22 State and local educational agencies concerning part A of
 23 title I.

24 IMPACT AID

25 For carrying out programs of financial assistance to
 26 federally affected schools authorized by title VIII of the

1 Elementary and Secondary Education Act of 1965,
 2 \$1,188,226,000, of which \$1,025,292,000 shall be for
 3 basic support payments under section 8003(b),
 4 \$50,668,000 shall be for payments for children with dis-
 5 abilities under section 8003(d), \$44,708,000 shall be for
 6 construction under section 8007 and shall remain avail-
 7 able through September 30, 2005, \$59,610,000 shall be
 8 for Federal property payments under section 8002, and
 9 \$7,948,000, to remain available until expended, shall be
 10 for facilities maintenance under section 8008.

11 SCHOOL IMPROVEMENT PROGRAMS

12 For carrying out school improvement activities au-
 13 thorized by titles II, part B of title IV, part A and sub-
 14 parts 6 and 9 of part D of title V, subpart 1 of part A
 15 and part B of title VI, and parts B and C of title VII
 16 of the Elementary and Secondary Education Act of 1965
 17 (“ESEA”); the McKinney-Vento Homeless Assistance
 18 Act; and the Civil Rights Act of 1964, \$5,731,453,000,
 19 of which \$4,173,944,000 shall become available on July
 20 1, 2004, and remain available through September 30,
 21 2005, and of which \$1,435,000,000 shall become available
 22 on October 1, 2004, and shall remain available through
 23 September 30, 2005, for academic year 2004–2005: *Pro-*
 24 *vided*, That funds made available to carry out part B of
 25 title VII of the ESEA may be used for construction, ren-
 26 ovation and modernization of any elementary school, sec-

1 ondary school, or structure related to an elementary school
 2 or secondary school, run by the Department of Education
 3 of the State of Hawaii, that serves a predominantly Native
 4 Hawaiian student body: *Provided further*, That funds
 5 made available to carry out part C of title VII of the
 6 ESEA may be used for construction: *Provided further*,
 7 That \$390,000,000 shall be for subpart 1 of part A of
 8 title VI of the ESEA: *Provided further*, That no funds ap-
 9 propriated under this heading may be used to carry out
 10 section 5494 under the ESEA.

11 INDIAN EDUCATION

12 For expenses necessary to carry out, to the extent
 13 not otherwise provided, title VII, part A of the Elementary
 14 and Secondary Education Act of 1965, \$121,573,000.

15 INNOVATION AND IMPROVEMENT

16 For carrying out activities authorized by part G of
 17 Title I, subpart 5 of part A and parts C and D of title
 18 II, and Parts B, C, and D of title V of the Elementary
 19 and Secondary Education Act of 1965 (“ESEA”),
 20 \$774,133,000: *Provided*, That \$9,935,000 shall be pro-
 21 vided to the National Board for Professional Teaching
 22 Standards to carry out section 2151(c) of the ESEA: *Pro-*
 23 *vided further*, That \$165,877,000 shall be available to
 24 carry out part D of title V of the ESEA.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For carrying out subpart 3 of part C of title II, part
3 A of title IV, and subparts 2, 3 and 10 of part D of title
4 V of the Elementary and Secondary Education Act of
5 1965 (“ESEA”), title VIII–D of the Higher Education
6 Act of 1965, as amended, and Public Law 102–73,
7 \$818,547,000, of which \$447,017,000 shall become avail-
8 able on July 1, 2004 and remain available through Sep-
9 tember 30, 2005: *Provided*, That of the amount available
10 for subpart 2 of part A of title IV of the ESEA, \$850,000
11 shall be used to continue the National Recognition Awards
12 program under the same guidelines outlined by section
13 120(f) of Public Law 105–244: *Provided further*, That
14 \$422,017,000 shall be available for subpart 1 of part A
15 of title IV and \$213,880,000 shall be available for subpart
16 2 of part A of title IV: *Provided further*, That of the funds
17 available to carry out subpart 3 of part C of title II, up
18 to \$11,922,000 may be used to carry out section 2345
19 and \$2,980,000 shall be used by the Center for Civic Edu-
20 cation to implement a comprehensive program to improve
21 public knowledge, understanding, and support of the Con-
22 gress and the state legislatures: *Provided further*, That
23 \$25,000,000 shall be for Youth Offender Grants, of which
24 \$5,000,000 shall be used in accordance with section 601

1 of Public Law 102–73 as that section was in effect prior
 2 to enactment of Public Law 105–220.

3 ENGLISH LANGUAGE ACQUISITION

4 For carrying out part A of title III of the ESEA,
 5 \$665,000,000, of which \$541,259,000 shall become avail-
 6 able on July 1, 2004, and shall remain available through
 7 September 30, 2005.

8 SPECIAL EDUCATION

9 For carrying out parts B, C, and D of the Individuals
 10 with Disabilities Education Act, \$11,027,464,000, of
 11 which \$5,337,533,000 shall become available for obliga-
 12 tion on July 1, 2004, and shall remain available through
 13 September 30, 2005, and of which \$5,402,000,000 shall
 14 become available on October 1, 2004, and shall remain
 15 available through September 30, 2005, for academic year
 16 2004–2005: *Provided*, That \$11,400,000 shall be for Re-
 17 cording for the Blind and Dyslexic to support the develop-
 18 ment, production, and circulation of recorded educational
 19 materials: *Provided further*, That \$1,500,000 shall be for
 20 the recipient of funds provided by Public Law 105–78
 21 under section 687(b)(2)(G) of the Act to provide informa-
 22 tion on diagnosis, intervention, and teaching strategies for
 23 children with disabilities: *Provided further*, That the
 24 amount for section 611(c) of the Act shall be equal to the
 25 amount available for that section during fiscal year 2003,

1 increased by the amount of inflation as specified in section
 2 611(f)(1)(B)(ii) of the Act.

3 REHABILITATION SERVICES AND DISABILITY RESEARCH

4 For carrying out, to the extent not otherwise pro-
 5 vided, the Rehabilitation Act of 1973, the Assistive Tech-
 6 nology Act of 1998, and the Helen Keller National Center
 7 Act, \$3,004,360,000, of which \$1,000,000 shall be used
 8 to improve the quality of applied orthotic and prosthetic
 9 research and help meet the demand for provider services:
 10 *Provided*, That the funds provided for title I of the Assist-
 11 ive Technology Act of 1998 (“the AT Act”) shall be allo-
 12 cated notwithstanding section 105(b)(1) of the AT Act:
 13 *Provided further*, That section 101(f) of the AT Act shall
 14 not limit the award of an extension grant to three years:
 15 *Provided further*, That no State or outlying area awarded
 16 funds under section 101 shall receive less than the amount
 17 received in fiscal year 2003.

18 AMERICAN PRINTING HOUSE FOR THE BLIND

19 For carrying out the Act of March 3, 1879, as
 20 amended (20 U.S.C. 101 et seq.) including the acquisition
 21 of equipment, \$16,500,000.

22 NATIONAL TECHNICAL INSTITUTE FOR THE DEAF

23 For the National Technical Institute for the Deaf
 24 under titles I and II of the Education of the Deaf Act
 25 of 1986 (20 U.S.C. 4301 et seq.), \$53,800,000, of which
 26 \$367,000 shall be for construction and shall remain avail-

1 able until expended: *Provided*, That from the total amount
 2 available, the Institute may at its discretion use funds for
 3 the endowment program as authorized under section 207.

4 GALLAUDET UNIVERSITY

5 For the Kendall Demonstration Elementary School,
 6 the Model Secondary School for the Deaf, and the partial
 7 support of Gallaudet University under titles I and II of
 8 the Education of the Deaf Act of 1986 (20 U.S.C. 4301
 9 et seq.), \$100,800,000: *Provided*, That from the total
 10 amount available, the University may at its discretion use
 11 funds for the endowment program as authorized under
 12 section 207.

13 VOCATIONAL AND ADULT EDUCATION

14 For carrying out, to the extent not otherwise pro-
 15 vided, the Carl D. Perkins Vocational and Technical Edu-
 16 cation Act of 1998, subparts 4 and 11 of part D of title
 17 V of the Elementary and Secondary Education Act of
 18 1965, and the Adult Education and Family Literacy Act,
 19 \$2,093,990,000, of which \$1,274,943,000 shall become
 20 available on July 1, 2004 and shall remain available
 21 through September 30, 2005 and of which \$791,000,000
 22 shall become available on October 1, 2004 and shall re-
 23 main available through September 30, 2005: *Provided*,
 24 That of the amount provided for Adult Education State
 25 Grants, \$69,545,000 shall be made available for inte-
 26 grated English literacy and civics education services to im-

1 migrants and other limited English proficient populations:
2 *Provided further*, That of the amount reserved for inte-
3 grated English literacy and civics education, notwith-
4 standing section 211 of the Adult Education and Family
5 Literacy Act, 65 percent shall be allocated to States based
6 on a State's absolute need as determined by calculating
7 each State's share of a 10-year average of the Immigration
8 and Naturalization Service data for immigrants admitted
9 for legal permanent residence for the 10 most recent
10 years, and 35 percent allocated to States that experienced
11 growth as measured by the average of the 3 most recent
12 years for which Immigration and Naturalization Service
13 data for immigrants admitted for legal permanent resi-
14 dence are available, except that no State shall be allocated
15 an amount less than \$60,000: *Provided further*, That of
16 the amounts made available for the Adult Education and
17 Family Literacy Act, \$9,223,000 shall be for national
18 leadership activities under section 243 and \$6,732,000
19 shall be for the National Institute for Literacy under sec-
20 tion 242: *Provided further*, That \$160,047,000 shall be
21 available to support the activities authorized under sub-
22 part 4 of part D of title V of the Elementary and Sec-
23 ondary Education Act of 1965, of which up to 5 percent
24 shall become available October 1, 2003, for evaluation,
25 technical assistance, school networking, peer review of ap-

1 plications, and program outreach activities and of which
 2 not less than 95 percent shall become available on July
 3 1, 2004, and remain available through September 30,
 4 2005, for grants to local educational agencies: *Provided*
 5 *further*, That funds made available to local education agen-
 6 cies under this subpart shall be used only for activities
 7 related to establishing smaller learning communities in
 8 high schools.

9 STUDENT FINANCIAL ASSISTANCE

10 For carrying out subparts 1, 3 and 4 of part A, part
 11 C and part E of title IV of the Higher Education Act of
 12 1965, as amended, \$14,174,115,000, which shall remain
 13 available through September 30, 2005.

14 The maximum Pell Grant for which a student shall
 15 be eligible during award year 2004–2005 shall be \$4,050.

16 STUDENT AID ADMINISTRATION

17 For Federal administrative expenses (in addition to
 18 funds made available under Section 458), to carry out part
 19 D of title I; subparts 1, 3, and 4 of part A; and parts
 20 B, C, D, and E of title IV of the Higher Education Act
 21 of 1965, as amended, \$104,703,000.

22 HIGHER EDUCATION

23 For carrying out, to the extent not otherwise pro-
 24 vided, section 121 and titles II, III, IV, V, VI, and VII
 25 of the Higher Education Act of 1965 (“HEA”), as amend-
 26 ed, section 117 of the Carl D. Perkins Vocational and

1 Technical Education Act of 1998, and the Mutual Edu-
2 cational and Cultural Exchange Act of 1961,
3 \$1,974,247,000, of which \$2,000,000 for interest sub-
4 sidies authorized by section 121 of the HEA shall remain
5 available until expended: *Provided*, That notwithstanding
6 any other provision of law or any regulation, the Secretary
7 of Education shall not require the use of a restricted indi-
8 rect cost rate for grants issued pursuant to section 117
9 of the Carl D. Perkins Vocational and Technical Edu-
10 cation Act of 1998: *Provided further*, That \$9,935,000, to
11 remain available through September 30, 2005, shall be
12 available to fund fellowships for academic year 2005–2006
13 under part A, subpart 1 of title VII of said Act, under
14 the terms and conditions of part A, subpart 1: *Provided*
15 *further*, That \$994,000 is for data collection and evalua-
16 tion activities for programs under the HEA, including
17 such activities needed to comply with the Government Per-
18 formance and Results Act of 1993: *Provided further*, That
19 notwithstanding any other provision of law, funds made
20 available in this Act to carry out title VI of the HEA and
21 section 102(b)(6) of the Mutual Educational and Cultural
22 Exchange Act of 1961 may be used to support visits and
23 study in foreign countries by individuals who are partici-
24 pating in advanced foreign language training and inter-
25 national studies in areas that are vital to United States

9 For partial support of Howard University (20 U.S.C.
10 121 et seq.), \$238,440,000, of which not less than
11 \$3,573,000 shall be for a matching endowment grant pur-
12 suant to the Howard University Endowment Act (Public
13 Law 98-480) and shall remain available until expended.

14 COLLEGE HOUSING AND ACADEMIC FACILITIES LOANS
15 PROGRAM

16 For Federal administrative expenses authorized
17 under section 121 of the Higher Education Act of 1965,
18 \$774,000 to carry out activities related to existing facility
19 loans entered into under the Higher Education Act of
20 1965.

21 HISTORICALLY BLACK COLLEGE AND UNIVERSITY

22 CAPITAL FINANCING PROGRAM ACCOUNT

23 The aggregate principal amount of outstanding bonds
24 insured pursuant to section 344 of title III, part D of the
25 Higher Education Act of 1965 shall not exceed
26 \$355,000,000, and the cost, as defined in section 502 of

1 the Congressional Budget Act of 1974, of such bonds shall
2 not exceed zero.

3 For administrative expenses to carry out the Histori-
4 cally Black College and University Capital Financing Pro-
5 gram entered into pursuant to title III, part D of the
6 Higher Education Act of 1965, as amended, \$210,000.

7 INSTITUTE OF EDUCATION SCIENCES

8 For carrying out activities authorized by Public Law
9 107–279, \$452,956,000: *Provided*, That, of the amount
10 appropriated, \$144,090,000 shall be available for obliga-
11 tion through September 30, 2005: *Provided further*, That
12 of the amount provided to carry out title I, parts B and
13 D of Public Law 107–279, \$24,362,000 shall be for the
14 national research and development centers authorized
15 under section 133(c): *Provided further*, That \$4,968,000
16 shall be available to extend for one additional year the con-
17 tract for the Eisenhower National Clearinghouse for
18 Mathematics and Science Education authorized under sec-
19 tion 2102(a)(2) of the Elementary and Secondary Edu-
20 cation Act of 1965, prior to its amendment by the No
21 Child Left Behind Act of 2001, Public Law 107–110.

22 PROGRAM ADMINISTRATION

23 For carrying out, to the extent not otherwise pro-
24 vided, the Department of Education Organization Act, in-
25 cluding rental of conference rooms in the District of Co-
26 lumbia and hire of three passenger motor vehicles,

1 \$409,863,000, of which \$13,644,000, to remain available
2 until expended, shall be for building alterations and re-
3 lated expenses for the relocation of Department staff to
4 Potomac Center Plaza in Washington, D.C.

5 OFFICE FOR CIVIL RIGHTS

6 For expenses necessary for the Office for Civil
7 Rights, as authorized by section 203 of the Department
8 of Education Organization Act, \$91,275,000.

9 OFFICE OF THE INSPECTOR GENERAL

10 For expenses necessary for the Office of the Inspector
11 General, as authorized by section 212 of the Department
12 of Education Organization Act, \$44,137,000.

13 GENERAL PROVISIONS

14 SEC. 301. No funds appropriated in this Act may be
15 used for the transportation of students or teachers (or for
16 the purchase of equipment for such transportation) in
17 order to overcome racial imbalance in any school or school
18 system, or for the transportation of students or teachers
19 (or for the purchase of equipment for such transportation)
20 in order to carry out a plan of racial desegregation of any
21 school or school system.

22 SEC. 302. None of the funds contained in this Act
23 shall be used to require, directly or indirectly, the trans-
24 portation of any student to a school other than the school
25 which is nearest the student's home, except for a student
26 requiring special education, to the school offering such

1 special education, in order to comply with title VI of the
2 Civil Rights Act of 1964. For the purpose of this section
3 an indirect requirement of transportation of students in-
4 cludes the transportation of students to carry out a plan
5 involving the reorganization of the grade structure of
6 schools, the pairing of schools, or the clustering of schools,
7 or any combination of grade restructuring, pairing or clus-
8 tering. The prohibition described in this section does not
9 include the establishment of magnet schools.

10 SEC. 303. No funds appropriated under this Act may
11 be used to prevent the implementation of programs of vol-
12 untary prayer and meditation in the public schools.

13 (TRANSFER OF FUNDS)

14 SEC. 304. Not to exceed 1 percent of any discre-
15 tionary funds (pursuant to the Balanced Budget and
16 Emergency Deficit Control Act of 1985, as amended)
17 which are appropriated for the Department of Education
18 in this Act may be transferred between appropriations, but
19 no such appropriation shall be increased by more than 3
20 percent by any such transfer: *Provided*, That the Appro-
21 priations Committees of both Houses of Congress are noti-
22 fied at least 15 days in advance of any transfer.

23 SEC. 305. (a) The matter under the heading “Title
24 III—Department of Education, Education for the Dis-
25 advantaged”, in Public Law 108–7 (117 Stat. 326) is
26 amended—

1 (1) by striking “\$4,651,199,000” and inserting
 2 “\$6,895,199,000”; and

3 (2) by striking “\$9,027,301,000” and inserting
 4 “\$6,783,301,000”.

5 (b) The additional fiscal year 2003 budget authority
 6 provided under subsection (a) shall not be subject to the
 7 rescission required by Division N, section 601, of Public
 8 Law 108–7.

9 (c) Subsections (a) and (b) shall become effective im-
 10 mediately upon enactment of this Act.

11 This title may be cited as the “Department of Edu-
 12 cation Appropriations Act, 2004”.

13 TITLE IV—RELATED AGENCIES

14 ARMED FORCES RETIREMENT HOME

15 For expenses necessary for the Armed Forces Retire-
 16 ment Home to operate and maintain the Armed Forces
 17 Retirement Home—Washington and the Armed Forces
 18 Retirement Home—Gulfport, to be paid from funds avail-
 19 able in the Armed Forces Retirement Home Trust Fund,
 20 \$65,279,000, of which \$1,983,000 shall remain available
 21 until expended for construction and renovation of the
 22 physical plants at the Armed Forces Retirement Home—
 23 Washington and the Armed Forces Retirement Home—
 24 Gulfport.

1 CORPORATION FOR NATIONAL AND COMMUNITY SERVICE
2 DOMESTIC VOLUNTEER SERVICE PROGRAMS, OPERATING
3 EXPENSES

4 For expenses necessary for the Corporation for Na-
5 tional and Community Service to carry out the provisions
6 of the Domestic Volunteer Service Act of 1973, as amend-
7 ed, \$350,187,000: *Provided*, That none of the funds made
8 available to the Corporation for National and Community
9 Service in this Act for activities authorized by section 122
10 of Part C of Title I and Part E of Title II of the Domestic
11 Volunteer Service Act of 1973 shall be used to provide
12 stipends or other monetary incentives to volunteers or vol-
13 unteer leaders whose incomes exceed 125 percent of the
14 national poverty level.

15 CORPORATION FOR PUBLIC BROADCASTING

16 For payment to the Corporation for Public Broad-
17 casting, as authorized by the Communications Act of
18 1934, an amount which shall be available within limita-
19 tions specified by that Act, for the fiscal year 2006,
20 \$400,000,000: *Provided*, That no funds made available to
21 the Corporation for Public Broadcasting by this Act shall
22 be used to pay for receptions, parties, or similar forms
23 of entertainment for Government officials or employees:
24 *Provided further*, That none of the funds contained in this
25 paragraph shall be available or used to aid or support any

1 program or activity from which any person is excluded,
 2 or is denied benefits, or is discriminated against, on the
 3 basis of race, color, national origin, religion, or sex: *Pro-*
 4 *vided further*, That for fiscal year 2004, in addition to the
 5 amounts provided above, \$55,000,000 shall be for costs
 6 related to digital program production, development, and
 7 distribution, associated with the transition of public broad-
 8 casting to digital broadcasting, to be awarded as deter-
 9 mined by the Corporation in consultation with public radio
 10 and television licensees or permittees, or their designated
 11 representatives: *Provided further*, That for fiscal year
 12 2004, in addition to the amounts provided above,
 13 \$10,000,000 shall be for the costs associated with imple-
 14 menting the first phase of the next generation interconnec-
 15 tion system.

16 FEDERAL MEDIATION AND CONCILIATION SERVICE

17 SALARIES AND EXPENSES

18 For expenses necessary for the Federal Mediation
 19 and Conciliation Service to carry out the functions vested
 20 in it by the Labor Management Relations Act, 1947 (29
 21 U.S.C. 171–180, 182–183), including hire of passenger
 22 motor vehicles; for expenses necessary for the Labor-Man-
 23 agement Cooperation Act of 1978 (29 U.S.C. 175a); and
 24 for expenses necessary for the Service to carry out the
 25 functions vested in it by the Civil Service Reform Act,

1 Public Law 95–454 (5 U.S.C. ch. 71), \$43,385,000, in-
 2 cluding \$1,500,000, to remain available through Sep-
 3 tember 30, 2005, for activities authorized by the Labor-
 4 Management Cooperation Act of 1978 (29 U.S.C. 175a):
 5 *Provided*, That notwithstanding 31 U.S.C. 3302, fees
 6 charged, up to full-cost recovery, for special training ac-
 7 tivities and other conflict resolution services and technical
 8 assistance, including those provided to foreign govern-
 9 ments and international organizations, and for arbitration
 10 services shall be credited to and merged with this account,
 11 and shall remain available until expended: *Provided fur-*
 12 *ther*, That fees for arbitration services shall be available
 13 only for education, training, and professional development
 14 of the agency workforce: *Provided further*, That the Direc-
 15 tor of the Service is authorized to accept and use on behalf
 16 of the United States gifts of services and real, personal,
 17 or other property in the aid of any projects or functions
 18 within the Director’s jurisdiction.

19 FEDERAL MINE SAFETY AND HEALTH REVIEW

20 COMMISSION

21 SALARIES AND EXPENSES

22 For expenses necessary for the Federal Mine Safety
 23 and Health Review Commission (30 U.S.C. 801 et seq.),
 24 \$7,774,000.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 For carrying out the Museum and Library Services
3 Act of 1996, \$243,889,000, to remain available until ex-
4 pended.

5 MEDICARE PAYMENT ADVISORY COMMISSION

6 SALARIES AND EXPENSES

7 For expenses necessary to carry out section 1805 of
8 the Social Security Act, \$9,000,000, to be transferred to
9 this appropriation from the Federal Hospital Insurance
10 and the Federal Supplementary Medical Insurance Trust
11 Funds.

12 NATIONAL COMMISSION ON LIBRARIES AND

13 INFORMATION SCIENCE

14 SALARIES AND EXPENSES

15 For necessary expenses for the National Commission
16 on Libraries and Information Science, established by the
17 Act of July 20, 1970 (Public Law 91–345, as amended),
18 \$1,000,000.

19 NATIONAL COUNCIL ON DISABILITY

20 SALARIES AND EXPENSES

21 For expenses necessary for the National Council on
22 Disability as authorized by title IV of the Rehabilitation
23 Act of 1973, as amended, \$3,339,000.

1 NATIONAL LABOR RELATIONS BOARD

2 SALARIES AND EXPENSES

3 For expenses necessary for the National Labor Rela-
4 tions Board to carry out the functions vested in it by the
5 Labor-Management Relations Act, 1947, as amended (29
6 U.S.C. 141–167), and other laws, \$246,073,000: *Pro-*
7 *vided*, That no part of this appropriation shall be available
8 to organize or assist in organizing agricultural laborers or
9 used in connection with investigations, hearings, direc-
10 tives, or orders concerning bargaining units composed of
11 agricultural laborers as referred to in section 2(3) of the
12 Act of July 5, 1935 (29 U.S.C. 152), and as amended
13 by the Labor-Management Relations Act, 1947, as amend-
14 ed, and as defined in section 3(f) of the Act of June 25,
15 1938 (29 U.S.C. 203), and including in said definition em-
16 ployees engaged in the maintenance and operation of
17 ditches, canals, reservoirs, and waterways when main-
18 tained or operated on a mutual, nonprofit basis and at
19 least 95 percent of the water stored or supplied thereby
20 is used for farming purposes.

21 NATIONAL MEDIATION BOARD

22 SALARIES AND EXPENSES

23 For expenses necessary to carry out the provisions
24 of the Railway Labor Act, as amended (45 U.S.C. 151–

1 188), including emergency boards appointed by the Presi-
2 dent, \$11,421,000.

3 OCCUPATIONAL SAFETY AND HEALTH REVIEW

4 COMMISSION

5 SALARIES AND EXPENSES

6 For expenses necessary for the Occupational Safety
7 and Health Review Commission (29 U.S.C. 661),
8 \$9,610,000.

9 RAILROAD RETIREMENT BOARD

10 DUAL BENEFITS PAYMENTS ACCOUNT

11 For payment to the Dual Benefits Payments Ac-
12 count, authorized under section 15(d) of the Railroad Re-
13 tirement Act of 1974, \$119,000,000, which shall include
14 amounts becoming available in fiscal year 2004 pursuant
15 to section 224(c)(1)(B) of Public Law 98–76; and in addi-
16 tion, an amount, not to exceed 2 percent of the amount
17 provided herein, shall be available proportional to the
18 amount by which the product of recipients and the average
19 benefit received exceeds \$119,000,000: *Provided*, That the
20 total amount provided herein shall be credited in 12 ap-
21 proximately equal amounts on the first day of each month
22 in the fiscal year.

23 FEDERAL PAYMENTS TO THE RAILROAD RETIREMENT

24 ACCOUNTS

25 For payment to the accounts established in the
26 Treasury for the payment of benefits under the Railroad

1 Retirement Act for interest earned on unnegotiated
 2 checks, \$150,000, to remain available through September
 3 30, 2005, which shall be the maximum amount available
 4 for payment pursuant to section 417 of Public Law 98–
 5 76.

6 LIMITATION ON ADMINISTRATION

7 For necessary expenses for the Railroad Retirement
 8 Board for administration of the Railroad Retirement Act
 9 and the Railroad Unemployment Insurance Act,
 10 \$99,350,000, to be derived in such amounts as determined
 11 by the Board from the railroad retirement accounts and
 12 from moneys credited to the railroad unemployment insur-
 13 ance administration fund.

14 LIMITATION ON THE OFFICE OF INSPECTOR GENERAL

15 For expenses necessary for the Office of Inspector
 16 General for audit, investigatory and review activities, as
 17 authorized by the Inspector General Act of 1978, as
 18 amended, not more than \$6,322,000, to be derived from
 19 the railroad retirement accounts and railroad unemploy-
 20 ment insurance account: *Provided*, That none of the funds
 21 made available in any other paragraph of this Act may
 22 be transferred to the Office; used to carry out any such
 23 transfer; used to provide any office space, equipment, of-
 24 fice supplies, communications facilities or services, mainte-
 25 nance services, or administrative services for the Office;
 26 used to pay any salary, benefit, or award for any personnel

1 of the Office; used to pay any other operating expense of
 2 the Office; or used to reimburse the Office for any service
 3 provided, or expense incurred, by the Office: *Provided fur-*
 4 *ther*, That funds made available under the heading in this
 5 Act, or subsequent Departments of Labor, Health and
 6 Human Services, and Education, and Related Agencies
 7 Appropriations Acts, may be used for any audit, investiga-
 8 tion, or review of the Medicare program.

9 SOCIAL SECURITY ADMINISTRATION

10 PAYMENTS TO SOCIAL SECURITY TRUST FUNDS

11 For payment to the Federal Old-Age and Survivors
 12 Insurance and the Federal Disability Insurance trust
 13 funds, as provided under sections 201(m), 228(g), and
 14 1131(b)(2) of the Social Security Act, \$21,658,000.

15 SUPPLEMENTAL SECURITY INCOME PROGRAM

16 For carrying out titles XI and XVI of the Social Se-
 17 curity Act, section 401 of Public Law 92–603, section 212
 18 of Public Law 93–66, as amended, and section 405 of
 19 Public Law 95–216, including payment to the Social Secu-
 20 rity trust funds for administrative expenses incurred pur-
 21 suant to section 201(g)(1) of the Social Security Act,
 22 \$26,290,000,000, to remain available until expended: *Pro-*
 23 *vided*, That any portion of the funds provided to a State
 24 in the current fiscal year and not obligated by the State
 25 during that year shall be returned to the Treasury.

1 For making, after June 15 of the current fiscal year,
 2 benefit payments to individuals under title XVI of the So-
 3 cial Security Act, for unanticipated costs incurred for the
 4 current fiscal year, such sums as may be necessary.

5 For making benefit payments under title XVI of the
 6 Social Security Act for the first quarter of fiscal year
 7 2005, \$12,590,000,000, to remain available until ex-
 8 pended.

9 LIMITATION ON ADMINISTRATIVE EXPENSES

10 For necessary expenses, including the hire of two pas-
 11 senger motor vehicles, and not to exceed \$20,000 for offi-
 12 cial reception and representation expenses, not more than
 13 \$8,410,000,000 may be expended, as authorized by sec-
 14 tion 201(g)(1) of the Social Security Act, from any one
 15 or all of the trust funds referred to therein: *Provided*, That
 16 not less than \$1,800,000 shall be for the Social Security
 17 Advisory Board: *Provided further*, That unobligated bal-
 18 ances of funds provided under this paragraph at the end
 19 of fiscal year 2004 not needed for fiscal year 2004 shall
 20 remain available until expended to invest in the Social Se-
 21 curity Administration information technology and tele-
 22 communications hardware and software infrastructure, in-
 23 cluding related equipment and non-payroll administrative
 24 expenses associated solely with this information technology
 25 and telecommunications infrastructure: *Provided further*,
 26 That reimbursement to the trust funds under this heading

1 for expenditures for official time for employees of the So-
2 cial Security Administration pursuant to section 7131 of
3 title 5, United States Code, and for facilities or support
4 services for labor organizations pursuant to policies, regu-
5 lations, or procedures referred to in section 7135(b) of
6 such title shall be made by the Secretary of the Treasury,
7 with interest, from amounts in the general fund not other-
8 wise appropriated, as soon as possible after such expendi-
9 tures are made: *Provided further*, That \$107,000,000 shall
10 not be available for obligation until September 30, 2004.

11 In addition, \$120,000,000 to be derived from admin-
12 istration fees in excess of \$5.00 per supplementary pay-
13 ment collected pursuant to section 1616(d) of the Social
14 Security Act or section 212(b)(3) of Public Law 93-66,
15 which shall remain available until expended. To the extent
16 that the amounts collected pursuant to such section
17 1616(d) or 212(b)(3) in fiscal year 2004 exceed
18 \$120,000,000, the amounts shall be available in fiscal year
19 2005 only to the extent provided in advance in appropria-
20 tions Acts.

21 From funds previously appropriated for this purpose,
22 any unobligated balances at the end of fiscal year 2003
23 shall be available to continue Federal-State partnerships
24 which will evaluate means to promote Medicare buy-in pro-

1 grams targeted to elderly and disabled individuals under
 2 titles XVIII and XIX of the Social Security Act.

3 OFFICE OF INSPECTOR GENERAL
 4 (INCLUDING TRANSFER OF FUNDS)

5 For expenses necessary for the Office of Inspector
 6 General in carrying out the provisions of the Inspector
 7 General Act of 1978, as amended, \$20,863,000, together
 8 with not to exceed \$61,597,000, to be transferred and ex-
 9 pended as authorized by section 201(g)(1) of the Social
 10 Security Act from the Federal Old-Age and Survivors In-
 11 surance Trust Fund and the Federal Disability Insurance
 12 Trust Fund.

13 In addition, an amount not to exceed 3 percent of
 14 the total provided in this appropriation may be transferred
 15 from the “Limitation on Administrative Expenses”, Social
 16 Security Administration, to be merged with this account,
 17 to be available for the time and purposes for which this
 18 account is available: *Provided*, That notice of such trans-
 19 fers shall be transmitted promptly to the Committees on
 20 Appropriations of the House and Senate.

21 UNITED STATES INSTITUTE OF PEACE
 22 OPERATING EXPENSES

23 For necessary expenses of the United States Institute
 24 of Peace as authorized in the United States Institute of
 25 Peace Act, \$17,200,000.

1 TITLE V—GENERAL PROVISIONS

2 SEC. 501. The Secretaries of Labor, Health and
3 Human Services, and Education are authorized to transfer
4 unexpended balances of prior appropriations to accounts
5 corresponding to current appropriations provided in this
6 Act: *Provided*, That such transferred balances are used for
7 the same purpose, and for the same periods of time, for
8 which they were originally appropriated.

9 SEC. 502. No part of any appropriation contained in
10 this Act shall remain available for obligation beyond the
11 current fiscal year unless expressly so provided herein.

12 SEC. 503. (a) No part of any appropriation contained
13 in this Act shall be used, other than for normal and recog-
14 nized executive-legislative relationships, for publicity or
15 propaganda purposes, for the preparation, distribution, or
16 use of any kit, pamphlet, booklet, publication, radio, tele-
17 vision, or video presentation designed to support or defeat
18 legislation pending before the Congress or any State legis-
19 lature, except in presentation to the Congress or any State
20 legislature itself.

21 (b) No part of any appropriation contained in this
22 Act shall be used to pay the salary or expenses of any
23 grant or contract recipient, or agent acting for such recipi-
24 ent, related to any activity designed to influence legislation

1 or appropriations pending before the Congress or any
2 State legislature.

3 SEC. 504. The Secretaries of Labor and Education
4 are authorized to make available not to exceed \$28,000
5 and \$20,000, respectively, from funds available for sala-
6 ries and expenses under titles I and III, respectively, for
7 official reception and representation expenses; the Direc-
8 tor of the Federal Mediation and Conciliation Service is
9 authorized to make available for official reception and rep-
10 resentation expenses not to exceed \$5,000 from the funds
11 available for “Salaries and expenses, Federal Mediation
12 and Conciliation Service”; and the Chairman of the Na-
13 tional Mediation Board is authorized to make available for
14 official reception and representation expenses not to ex-
15 ceed \$5,000 from funds available for “Salaries and ex-
16 penses, National Mediation Board”.

17 SEC. 505. Notwithstanding any other provision of
18 this Act, no funds appropriated under this Act shall be
19 used to carry out any program of distributing sterile nee-
20 dles or syringes for the hypodermic injection of any illegal
21 drug.

22 SEC. 506. (a) It is the sense of the Congress that,
23 to the greatest extent practicable, all equipment and prod-
24 ucts purchased with funds made available in this Act
25 should be American-made.

1 (b) In providing financial assistance to, or entering
2 into any contract with, any entity using funds made avail-
3 able in this Act, the head of each Federal agency, to the
4 greatest extent practicable, shall provide to such entity a
5 notice describing the statement made in subsection (a) by
6 the Congress.

7 (c) If it has been finally determined by a court or
8 Federal agency that any person intentionally affixed a
9 label bearing a “Made in America” inscription, or any in-
10 scription with the same meaning, to any product sold in
11 or shipped to the United States that is not made in the
12 United States, the person shall be ineligible to receive any
13 contract or subcontract made with funds made available
14 in this Act, pursuant to the debarment, suspension, and
15 ineligibility procedures described in sections 9.400 through
16 9.409 of title 48, Code of Federal Regulations.

17 SEC. 507. When issuing statements, press releases,
18 requests for proposals, bid solicitations and other docu-
19 ments describing projects or programs funded in whole or
20 in part with Federal money, all grantees receiving Federal
21 funds included in this Act, including but not limited to
22 State and local governments and recipients of Federal re-
23 search grants, shall clearly state: (1) the percentage of the
24 total costs of the program or project which will be financed
25 with Federal money; (2) the dollar amount of Federal

1 funds for the project or program; and (3) percentage and
2 dollar amount of the total costs of the project or program
3 that will be financed by non-governmental sources.

4 SEC. 508. (a) None of the funds appropriated under
5 this Act, and none of the funds in any trust fund to which
6 funds are appropriated under this Act, shall be expended
7 for any abortion.

8 (b) None of the funds appropriated under this Act,
9 and none of the funds in any trust fund to which funds
10 are appropriated under this Act, shall be expended for
11 health benefits coverage that includes coverage of abor-
12 tion.

13 (c) The term “health benefits coverage” means the
14 package of services covered by a managed care provider
15 or organization pursuant to a contract or other arrange-
16 ment.

17 SEC. 509. (a) The limitations established in the pre-
18 ceding section shall not apply to an abortion—

19 (1) if the pregnancy is the result of an act of
20 rape or incest; or

21 (2) in the case where a woman suffers from a
22 physical disorder, physical injury, or physical illness,
23 including a life-endangering physical condition
24 caused by or arising from the pregnancy itself, that

1 would, as certified by a physician, place the woman
2 in danger of death unless an abortion is performed.

3 (b) Nothing in the preceding section shall be con-
4 strued as prohibiting the expenditure by a State, locality,
5 entity, or private person of State, local, or private funds
6 (other than a State's or locality's contribution of Medicaid
7 matching funds).

8 (c) Nothing in the preceding section shall be con-
9 strued as restricting the ability of any managed care pro-
10 vider from offering abortion coverage or the ability of a
11 State or locality to contract separately with such a pro-
12 vider for such coverage with State funds (other than a
13 State's or locality's contribution of Medicaid matching
14 funds).

15 SEC. 510. (a) None of the funds made available in
16 this Act may be used for—

17 (1) the creation of a human embryo or embryos
18 for research purposes; or

19 (2) research in which a human embryo or em-
20 bryos are destroyed, discarded, or knowingly sub-
21 jected to risk of injury or death greater than that
22 allowed for research on fetuses in utero under 45
23 CFR 46.208(a)(2) and section 498(b) of the Public
24 Health Service Act (42 U.S.C. 289g(b)).

1 (b) For purposes of this section, the term “human
2 embryo or embryos” includes any organism, not protected
3 as a human subject under 45 CFR 46 as of the date of
4 the enactment of this Act, that is derived by fertilization,
5 parthenogenesis, cloning, or any other means from one or
6 more human gametes or human diploid cells.

7 SEC. 511. (a) None of the funds made available in
8 this Act may be used for any activity that promotes the
9 legalization of any drug or other substance included in
10 schedule I of the schedules of controlled substances estab-
11 lished by section 202 of the Controlled Substances Act (21
12 U.S.C. 812).

13 (b) The limitation in subsection (a) shall not apply
14 when there is significant medical evidence of a therapeutic
15 advantage to the use of such drug or other substance or
16 that federally sponsored clinical trials are being conducted
17 to determine therapeutic advantage.

18 SEC. 512. None of the funds made available in this
19 Act may be obligated or expended to enter into or renew
20 a contract with an entity if—

21 (1) such entity is otherwise a contractor with
22 the United States and is subject to the requirement
23 in section 4212(d) of title 38, United States Code,
24 regarding submission of an annual report to the Sec-

1 retary of Labor concerning employment of certain
2 veterans; and

3 (2) such entity has not submitted a report as
4 required by that section for the most recent year for
5 which such requirement was applicable to such enti-
6 ty.

7 SEC. 513. None of the funds made available in this
8 Act may be used to promulgate or adopt any final stand-
9 ard under section 1173(b) of the Social Security Act (42
10 U.S.C. 1320d–2(b)) providing for, or providing for the as-
11 signment of, a unique health identifier for an individual
12 (except in an individual’s capacity as an employer or a
13 health care provider), until legislation is enacted specifi-
14 cally approving the standard.

15 SEC. 514. None of the funds made available in this
16 Act may be transferred to any department, agency, or in-
17 strumentality of the United States Government, except
18 pursuant to a transfer made by, or transfer authority pro-
19 vided in, this Act or any other appropriation Act.

20 This Act may be cited as the “Departments of Labor,
21 Health and Human Services, and Education, and Related
22 Agencies Appropriations Act, 2004”.

Calendar No. 175

108TH CONGRESS
1ST SESSION

S. 1356

[Report No. 108–81]

A BILL

Making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2004, and for other purposes.

JUNE 26, 2003

Read twice and placed on the calendar